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federal register

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FRIDAY, APRIL 1, 1977

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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45 CFR

103 17444
614 17747
1050 17747

PROPOSED RULES:

160f 17700

47 CFR

PROPOSED RULES:

76 17502

49 CFR

1033 (3 documents) 17447, 17448

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17413–17864	Apr. 1

Table of Effective Dates and Time Periods—April 1977

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
April 1	April 18	May 2	May 16	May 31	June 30
April 4	April 19	May 4	May 19	June 3	July 5
April 5	April 20	May 5	May 20	June 6	July 5
April 6	April 21	May 6	May 23	June 6	July 5
April 7	April 22	May 9	May 23	June 6	July 6
April 8	April 25	May 9	May 23	June 7	July 7
April 11	April 26	May 11	May 26	Ju e 10	July 11
April 12	April 27	May 12	May 27	June 13	July 11
April 13	April 28	May 13	May 31	June 13	July 12
April 14	April 29	May 16	May 31	June 13	July 13
April 15	May 2	May 16	May 31	June 14	July 14
April 18	May 3	May 18	June 2	June 17	July 18
April 19	May 4	May 19	June 3	June 20	July 18
April 20	May 5	May 20	June 6	June 20	July 19
April 21	May 6	May 23	June 6	June 20	July 20
April 22	May 9	May 23	June 6	June 21	July 21
April 25	May 10	May 25	June 9	June 24	July 25
April 26	May 11	May 26	June 10	June 27	July 25
April 27	May 12	May 27	June 13	June 27	July 26
April 28	May 13	May 31	June 13	June 27	July 27
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AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
FPCA—Nat'onal Fire Prevention and Control Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Office of Hazardous Materials Operations
OPSO—Office of Pipeline Safety Operations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

A&TBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register
OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976 and 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1	$1.65
2 [Reserved]	
4	3.25
7 Parts:	
46-51	4.20
53-209	5.80
700-749	4.10
750-899	1.80
900-944	4.25
945-980	2.40
981-999	2.50
1000-1059	4.25
1060-1119	4.40
1120-1199	3.20
1200-1499	4.20
10 Parts:	
0-199	4.40
200-end	4.60
13	4.20
14 Parts:	
1200-end	2.20
15	5.35
16 Parts:	
0-149	5.50
150-999	4.25
1000-end	3.00

CFR Unit (Rev. as of April 1, 1976):

Title	Price
17	6.00
18 Parts:	
1-149	4.85
150-end	4.10
19	5.65
20 Parts:	
1-399	2.45
400-end	7.50
21 Parts:	
1-9	2.60
10-199	5.20
200-299	2.10
300-499	5.95
500-599	3.75
600-1299	2.75
1300-end	1.90
22	4.20
23	4.55
24 Parts:	
0-499	6.65
500-end	6.90
25	5.25
26 Parts:	
1 (§§ 1.0-1—1.169)	5.95
1 (§§ 1.170-1.300)	3.90
1 (§§ 1.301-1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501-1.640)	4.05
1 (§§ 1.641-1.850)	4.45
1 (§§ 1.851-1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2-29	4.05
30-39	3.45
40-299	5.40
300-499	3.60
600-end	2.20
27	7.70

CFR Unit (Rev. as of July 1, 1976):

Title	Price
28	$3.10
29 Parts:	
0-499	7.30
1900-1919	7.55
1920-end	4.05
30	4.80
31	5.65
32 Parts:	
1-39 (V.I) (Rev. 11/1/75)	5.80
(V.II) (Rev. 11/1/75)	7.40
(V.III) (Rev. 11/1/75)	5.10
40-399	6.50
400-589	5.20
590-699	3.10
700-799	7.85
800-999	6.05
1000-1399	2.20
1400-1599	3.65
1600-end	1.95
32A	2.90
33 Parts:	
1-199	6.20
200-end	5.85
35	3.50
36	3.40
37	2.20
38	7.20
39	2.75
40 Parts:	
0-49	3.15
50-59	6.80
60-99	5.70
100-399	4.50
400-end	6.70
41 Chapters:	
1-2	5.70
3-6	5.90
7	1.85
8	1.80
9	4.35
10-17	4.15
19-100	3.55
101-end	6.80
CFR Index	3.20

CFR Unit (Rev. as of Oct. 1, 1976):

Title	Price
42	5.95
43 Parts:	
1-999	3.10
1000-end	6.00
44 [Reserved]	
45 Parts:	
1-99	3.45
100-199	10.00
200-499	3.15
500-end	6.40
46 Parts:	
1-29	2.15
30-40	2.20
41-69	4.00
70-89	2.10
90-109	1.95
110-139	1.90
140-165	4.00
166-199	2.65
200-end	7.25
47 Parts:	
0-19	3.80
20-69	5.00
47 Parts:	
70-79	4.90
80-end	6.20
48 [Reserved]	
49 Parts:	
1-99	2.05
200-999	7.55
1000-1199	3.95
1200-1299	7.40
1300-end	3.60
50	4.20

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule A § 213.3113(f)(6) intermittent positions of agricultural commodity grader (dairy) and agricultural commodity grader (poultry) at GS-9 and below in the Agricultural Marketing Service because it is not practicable to examine for these positions.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling,
202-632-4533.

Accordingly, 5 CFR 213.3113(f)(6) is amended to read as follows:

§ 213.3113 Department of Agriculture.

* * * * *

(f) *Agricultural Marketing Service.*

* * *

(6) Temporary and intermittent positions of agricultural commodity grader (dairy) and agricultural commodity grader (poultry) at grade GS-9 and below. Employment under this authority may not exceed 1280 hours a year.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9834 Filed 3-31-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Secretary (Stenography) to the Counselor because of the confidential nature of the position.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling,
202-632-4533.

Accordingly, 5 CFR 213.3304(u)(1) is amended to read as follows:

§ 213.3304 Department of State.

* * * * *

(u) *Office of the Counselor.* * * *

(1) One Secretary (Stenography) to the Counselor.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9835 Filed 3-31-77;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Upland Cotton Program for 1974 and Succeeding Crops

1977 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

On July 30, 1976, a notice of proposed rulemaking regarding certain determinations with respect to the 1977 crop of upland cotton was published in the FEDERAL REGISTER (41 FR 31848). Interested persons were invited to submit written data, views, and recommendations regarding the determinations. No comments were received regarding the established price.

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970. (Pub. L. 91-524, 84 Stat. 1358) and the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93-86, 87 Stat. 233). The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1977 crop of upland cotton.

Section 103(e)(2) of the Agricultural Act of 1949, as amended, requires that the established price for the 1977 crop of upland cotton be 43.20 cents per pound adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, that any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any changes in the national average yield per acre of cotton for the three calendar years 1974-76 over the national average yield for the three calendar years 1973-75.

In determining the change in the PPI during calendar year 1976, the average of the monthly PPI's for the 1976 calendar year was compared with the average of the monthly PPI's for the 1975 calendar year. The 1976 average was 709 and the 1975 average was 665. Thus, the adjustment resulting from the increase in the PPI during calendar year 1976 is 6.62 percent.

The 1974-76 average yield per acre of cotton was 452 pounds. The 1973-75 average was 471 pounds. The 1974-76 average is 4.03 percent below the 1973-75 average.

The total adjustment is, therefore, 10.65 percent (6.62-(-4.03)). Thus, the established price for the 1977 crop of upland cotton is 47.80 cents per pound (43.20 cents times 1.1065).

Since farmers need to know the established price for the 1977 crop as soon as possible so that they may make plans for their 1977 farming operations, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective on March 31, 1977.

Section 722.805 of the Upland Cotton Program for 1974 and Succeeding Crops Regulations, 7 CFR §§ 722.801-722.819, is amended by adding a new sentence at the end of paragraph (b)(1) and by revising paragraph (b)(2) to read as follows:

§ 722.805 Farm yield and payment rates.

* * * * *

(b) * * *

(1) * * * The established price for the 1977 crop is 47.80 cents per pound.

(2) *Disaster payment rate.* The per pound rate for upland cotton shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rate for: (i) 1974 is 12.7 cents per pound, (ii) 1975 is 12.7 cents per pound, (iii) 1976 is 14.4 cents per pound, and (iv) 1977 is 15.9 cents per pound.

* * * * *

(Sec. 103, 84 Stat. 1374, 87 Stat. 233 (7 U.S.C. 1444)).

Effective date: This amendment becomes effective on March 31, 1977.

Signed at Washington, D.C. on March 25, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9610 Filed 3-31-77;8:45 am]

PART 723—CIGAR-FILLER (TYPE 41) AND MARYLAND TOBACCOS

Cigar-Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1977-78 Marketing Year

These regulations govern the establishment of farm acreage allotments and normal yields for the 1977 crops of cigar-filler (type 41) and Maryland (type 32) tobaccos pursuant to the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1281 et seq.). Since preparations are now being made to determine farm acreage allotments and normal yields for the 1977 crop, it is essential that these regulations be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public participation procedure and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these regulations are being made effective without compliance with such procedure.

The changes that are being made at this time update the references to marketing years and waive the witnessing requirement for signatures when Form ASCS-375 is mailed for required signature.

The regulations, 7 CFR 723.51-66, and the title of the subpart are revised to read as follows:

Subpart—Cigar Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1977-78 Marketing Year

GENERAL

Sec.
723.51 Basis and purpose.
723.52 Definitions.
723.53 Extent of determinations, computations, and rule for rounding fractions.
723.54 Instructions and forms.

TOBACCO HISTORY ACREAGE, ACREAGE ALLOTMENTS, AND NORMAL YIELDS FOR OLD FARMS

723.55 Determination of tobacco history acreage for old farms.
723.56 Determination of preliminary acreage allotments for old farms.
723.57 Old farm tobacco acreage allotment.
723.58 Correction of errors and adjusting inequities in acreage allotments for old farms.
723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.
723.60 Farms divided or combined.
723.61 Determination of normal yields for farms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.62 Determination of acreage allotments for new farms.

Sec.
723.63 Determination of normal yields for new farms.

MISCELLANEOUS

723.64 Approval of determinations made under §§ 723.51 through 723.63 and notices of farm acreage allotment.
723.65 Application for review.
723.66 Lease and transfer of tobacco acreage allotments.

AUTHORITY: Sec. 301, 312, 216, 317, 363, 375, 377, 378, 52 Stat. 38, as amended; secs. 601, 602, 79 Stat. 1206, 1028; 7 U.S.C. 1301, 1313, 1314b, 1314c, 1363, 1375, 1378, 1801 note, 1938.

Subpart—Cigar Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1977–78 Marketing Year

GENERAL

§ 723.51 Basis and purpose.

The regulations contained in §§ 723.51 through 723.66 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm acreage allotments and normal yields for Cigar-filler (type 41) and Maryland tobacco for the 1977–78 marketing year. The material previously appearing in these sections under Subpart—Cigar-Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1974–75 marketing year remain in full force and effect for the crop to which it was applicable.

§ 723.52 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and amendments now in effect or later issued.

(a) The provisions of Parts 718 and 719 of this chapter, including definitions, are hereby incorporated in the regulations of this part unless the context or subject matter or the provisions of the regulations of this part otherwise require.

(b) "Base period" means the five calendar years immediately proceeding the year for which farm acreage allotments are currently being established.

(c) "Current year" means the calendar year for which acreage allotments are being established, or tobacco history acreage and normal yields are being determined.

(d) "New farm" means a farm for which a tobacco allotment is established in the current year and for which there is no tobacco history acreage in the base period.

(e) "Old farm" means a farm for which there was tobacco history acreage in one or more years of the base period.

(f) "Tobacco" means each one or both, as indicated by the context, of the kinds of tobacco listed in this paragraph, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Maryland tobacco, type 32.

(2) Cigar-filler tobacco, type 41.

§ 723.53 Extent of determinations, computations and rule for rounding fractions.

Farm acreage allotments shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

§ 723.54 Instructions and forms.

The Director, Program Operations Division, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator, Programs, Agricultural Stablization and Conservation Service.

TOBACCO HISTORY ACREAGE, ACREAGE ALLOTMENTS, AND NORMAL YIELDS FOR OLD FARMS

§ 723.55 Determination of tobacco history acreage for old farms.

(a) The county committee shall determine from the best available data the tobacco history acreage on each old tobacco farm for each of the five years 1972–76. Data for making such determinations shall be taken from county office records, producers' records, producers' reports, estimates of other persons having knowledge of the tobacco production on the farm, and any other source available.

(b) For the year 1974, the 1974 tobacco history acreage shall be the same as the 1974 allotment if as much as 75 percent of the 1974 allotment was planted (or considered planted under conservation programs or conservation practices (Part 719 of this chapter)). If less than 75 percent of the 1974 allotment was planted or considered planted, the 1974 history acreage shall be the acreage planted or considered planted. The tobacco history acreage for 1974 shall be zero for a farm for which no 1974 tobacco acreage allotment was determined.

(c) For years for which no allotments were established for either of such kinds of tobacco, the tobacco history acreage shall consist of (1) the acreage planted to tobacco on the farm, plus (2) the acreage considered planted to tobacco on the farm. The acreage considered planted to tobacco on the farm shall consist of (i) the allotment acreage pooled under Part 719 of this chapter and (ii) tobacco acreage diverted under conservation programs or practices (if a farm was under a cropland adjustment program agreement during any year of the base period for which no tobacco acreage allotment was established, the tobacco history acreage for such year shall be the larger of: (*a*) The planted acreage, or (*b*) the nonallotment base acreage under Part 751 of this chapter designated under agreement not to exceed any tobacco acreage as determined or computed for the farm for the year immediately preceding the year of the cropland adjustment program agreement).

(d) In determining the tobacco history acreage for each year of the base period, the county committee shall make due allowances for drought, flood, hail, and other abnormal weather conditions and plant bed and other diseases.

§ 723.56 Determination of preliminary acreage allotments for all farms.

(a) The preliminary allotment for an old farm shall be the larger of the following:

(1) The average tobacco history acreage on the farm during the base period (1972–76), or

(2) The average tobacco history acreage on the farm in the three preceding years (1974–76).

(b) Notwithstanding the foregoing provisions of this section, no 1977 farm tobacco preliminary allotment (or 1977 farm tobacco acreage allotment) shall be determined for any land which the county committee determines has become devoted to commercial or residential development or other nonagricultural purposes, and was not and could not have been acquired under the right of eminent domain by the person or agency that did acquire it, and is retired from agricultural production. *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.59: *And provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part pursuant to Part 719 of this chapter.

§ 723.57 Old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms pursuant to §723.56, and including those under §723.59(a), shall be adjusted uniformly so that the total of such allotments plus the acreage available pursuant to §§ 723.58 and 723.62 shall not exceed the national acreage allotment: *Provided*, That for Cigar-filler (type 41) tobacco if the acreage allotment determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce, 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.58 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment for each kind of tobacco established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotment for other old farms in the county in which the farm is located. An acreage not to exceed one percent of the national acreage allotment for each kind of tobacco minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and for correcting errors. The amount of the national reserve acreage available for correcting errors and for adjusting inequities will be announced at the same time the national quota is proclaimed. The reserve acreage for old farms will be allocated to each State based on the relation of the preliminary acreage allotment in that State to the national preliminary allotment.

(b) Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past farm acreage and past farm acreage allotments of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage allocated for such purpose.

(c) The allotment for a farm under a cropland conversion program agreement or land under a cropland adjustment agreement shall be given the same consideration under this section as the allotment for any other old farm.

(d) Acreage approved for a farm under this section becomes a part of the farm acreage allotment.

§ 723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotment to a pool and reallocation from the pool shall be administered as provided in Part 719 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.61. For a farm for which allotment acreage was placed in a pool, the allotment remaining in the pool shall be the 1977 preliminary allotment.

(b) The displaced owner of a farm may, not later than May 1 of the current year, release in writing to the county committee for the year 1977 all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for 1977 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than June 1 of the current year, the released acreage or any part thereof to other farms in the county on the basis of the past farm acreage and past farm acreage allotments of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical factors affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as thought it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall be reduced, where applicable, so as not to exceed the acreage by which the 1977 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1977 allotment prior to being increased by reapportionment.

§ 723.60 Farms divided or combined.

Allotments for farms reconstituted for 1977 shall be determined in accordance with Part 719 of this chapter.

§ 723.61 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the period, not less than the base period, for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.62 Determination of acreage allotments for new farms.

The acreage allotment, other than an allotment made under § 723.59(a), for a new farm shall be that acreage which the county committee, with approval of the State committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That, the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That, if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the sum of the tobacco planted acreage and the prevented planted tobacco acreage as determined under Part 718 of this chapter for the farm.

(a) *Written application.* The farm operator must file an application for a new farm allotment at the office of the county committee where the farm is administratively located on or before February 15 of the year for which the new farm allotment is requested.

(b) *Eligibility requirements for operator.* A new farm allotment may be established if each of the following conditions is met:

(1) *Owner and operator of the farm.* The operator shall be the sole owner of the farm. For the purpose of applying this subparagraph (1) a person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner and operator of a farm which they jointly own.

(2) *Interest in another farm.* The farm operator shall not own or operate any other farm in the United States for which a tobacco allotment or quota is established for the current year.

(3) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and any other facilities of production necessary to the production of tobacco on the farm.

(4) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products.

(i) *Computing operator's income.* The following shall be considered in computing operator's income:

(a) *Income from farming.* Income from farming shall include the estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s). The estimated return from the production of the requested new farm allotment shall not be included.

(b) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments, and unemployment compensations.

(c) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm(s). Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making their determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(5) *Experience.* Operator must have had experience in producing, harvesting, and marketing the kind of tobacco requested. Such experience must have been gained: by being a sharecropper, tenant, or farm operator (bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement) during at least two of the five years immediately preceeding the year for which the new farm allotment is requested. If the operator was in the armed services during the five-year period, the period shall be extended one year for each year of military service during the five years. The experience must have been gained on a farm having a tobacco allotment for such years for the kind of tobacco requested in the application.

(c) *Eligibility requirements for the farm.* A new farm allotment may be established if each of the following conditions is met:

(1) *Current allotment or quota.* The farm must not have on the date of approval of a new farm acreage allotment an allotment or quota for any kind of tobacco.

(2) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for tobacco production. Also continuous production of tobacco must not result in an undue erosion hazard.

(3) *Downward adjustment.* The acreage allotment established as provided in this section for each kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms.

(4) *False information.* Any new farm acreage allotment which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant shall be canceled by the county committee as of the date the allotment was established. When incomplete or inaccurate information was unknowingly furnished by the applicant, the allotment shall be canceled effective for the current crop year except where the provisions of § 723.64(d) apply.

§ 723.63 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.64 Approval of determinations made under §§ 723.51 through 723.63 and notices of farm acreage allotment.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under §§ 723.51 through 723.63. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases resulting from reconstitutions that do not involve the use of additional acreage.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of the farm, or (3) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided,* That the notice of allotment for any farm shall be mailed no later than May 1 of the current year.

(d) If the county committee determines with the approval of the State executive director, that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith (i) materially changed his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) has planted an acreage of tobacco in excess of the correct farm acreage allotment the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year.

§ 723.65 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the county ASCS office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter.

§ 723.66 Lease and transfer of tobacco acreage allotments.

(a) *Farms eligible.* Subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm acreage allotment established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. The lease and transfer of an acreage allotment shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Maximum period.* Transfer of allotments by lease shall not exceed five years.

(c) *Filing and approval of transfer agreement*—(1) *Filing transfer agreement.* The lease and transfer of any allotment or any part thereof from the farm for which the allotment was established to another tobacco farm shall not become effective until a copy of the transfer agreement, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than June 1, except that a lease shall be effective if the county committee, with the approval of a State committee representative, finds that the producer was prevented from timely filing the transfer agreement due to reasons beyond his control. The county committee may redelegate authority to approve leasing agreements to the county executive director. The filing of a properly executed Form ASCS-375, Record of Transfer of Allotment or Quota, will be considered

to meet the requirements of this paragraph (c)(1).

(2) *Record of transfer on ASCS-375.* No lease and transfer of any allotment under this section shall become effective until a record of the transfer has been executed on Form ASCS-375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is to be made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner's or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS-375 for the required signature.

(d) *Normal yields.* The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.61 in the case of old farms, and, in the case of new farms, § 723.63 for each farm from which, and for each farm to which a, tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment is transferred by more than 10 percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred. In the case of transfers of allotments for two or more years, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(e) *Allotment acreage considered fully planted.* The amount of allotment acreage which is leased from a farm (prior to any reduction made under this section) shall be considered for the purpose of determining future allotments (and tobacco history acreage) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farms.

(f) *Limit on acreage transferred.* The total acreage allotted to any farm after the transfer by lease of tobacco acreage allotment to the farm (the sum of its own allotment and acreage leased and transferred to it after any adjustment in normal yield) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) *New farm allotment.* A new farm allotment shall not be leased or transferred.

(h) *Farms under long-term land-use programs.* A transfer of an allotment to or from a farm covered by a Cropland Adjustment Program agreement shall not be approved if the transferring or receiving farm has the allotment base designated under such program agreement.

(i) *Transfer from the pool.* Allotments in a pool pursuant to Part 719 of this chapter may be eligible for lease and transfer during the three-year life of the pooled allotment. An agreement to lease and transfer shall not serve to extend the life of such pooled allotment.

(j) *Subleasing and limitation on lease and transfer to and from a farm*—(1) *No subleasing.* No transfer shall be made from a farm receiving allotment under a transfer agreement for the term of the transfer agreement.

(2) *Limitation on lease and transfer to and from a farm for the same crop year.* If a lease and transfer agreement is in effect for any farm, no transfer of allotment shall be made (i) from such farm receiving allotment by transfer or, (ii) to such farm which had allotment transferred from it.

(k) *Revised notices.* A form ASCS-375 showing the allotment acreage after lease and transfer shall be issued by the county committee to each of the operators of all farms from which or to which a tobacco allotment acreage is leased under this section.

(l) *Tobacco acreage allotment.* Except with respect to the erroneous allotment notice provisions in § 723.64 and the provisions for review in § 723.65, the term "tobacco acreage allotment" as used herein shall mean the allotment without regard to the application of the provisions of this section.

(m) *Zero allotment farm.* If the allotment for a farm for the current year is reduced to zero, no tobacco allotment acreage for such kind of tobacco may be leased to such farm for the current year.

(n) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time of filing an application for review, as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(o) *Acreage allotment after lease and transfer.* The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment for such farm for the current year only for the purpose of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm.

(p) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment under this section which was approved by the county committee in error or on the basis of incorrect information furnished by the parties to the agreement shall be cancelled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining eligibility for price support and marketing were not notified of the cancellation before the tobacco was planted. The provisions of this paragraph (p)(1) shall not preclude application of the erroneous notice provisions under § 723.64 where such provisions are applicable.

(2) *Dissolution or revision.* A transfer agreement may be dissolved or minor revisions made where a request by all parties to the agreement is made in writing to the county committees. Such written notification shall be filed prior to planting the tobacco. A late filed request to dissolve or revise the transfer may be effective for the current year if the county committee with approval of a State committee representative determines that the producer was prevented from timely filing for reasons beyond his control.

(q) *Reconstituted farm.* The allotment for a farm being divided or combined in the current year shall be the allotment after lease and transfer has been made. Notwithstanding the above, in the case of a division, the county committee shall allocate the acreage that was transferred by lease to the tracts involved in the division as the parent farm owners and operators designate in writing. In the absence of such designation, the county committee shall apportion the leased acreage.

(r) *Consent of leinholder.* No transfer of allotment other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

Signed at Washington, D.C., on March 24, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9691 Filed 3-31-77;8:45 am]

[Amdt. 4]

PART 728—WHEAT

Wheat Program for Crop Years 1975–1977

1977 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 (Pub. L. 91-524, 84 Stat. 1358), by the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93-86, 87 Stat. 224), and by Pub. L. 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1977 crop of wheat.

Section 107(c) of the Agricultural Act of 1949, as amended, requires that the established price for the 1977 crop of wheat be $2.29 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of wheat for the three calendar years 1974–1976 over the national average yield for the three calendar years 1973–1975.

In determining the change in the PPI during calendar year 1976, the average of the monthly PPI's for the 1976 calendar year was compared with the average of the monthly PPI's for the 1975 calendar year. The 1976 average was 709 and the 1975 average was 665. Thus, the adjustment resulting from the increase in the PPI during calendar year 1976 is 6.62 percent.

The 1974–1976 average yield per acre of wheat was 29.5 bushels. The 1973–1975 average was 29.9 bushels. The 1974–1976 average is 1.34 percent below the 1973–1975 average.

The total adjustment is, therefore, 7.96 percent (6.62–(—1.34)). Thus the established price for the 1977 crop of wheat is $2.47 per bushel ($2.29 times 1.0796).

Since farmers need to know the established price for the 1977 crop as soon as possible so that they may make plans for their 1977 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective March 31, 1977.

Section 728.10 of the Wheat Program for Crop Years 1975–1977 Regulations, 7 CFR §§ 728.1–728.26, is amended to read as follows:

§ 728.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of wheat shall be the amount by which the higher of:

(1) The national weighted average market price received by farmers for wheat during the first five months of the marketing year for such crop beginning June 1 or

(2) The national average loan rate established for such crop is less than the established price of $2.05 per bushel in the case of the 1975 crop, $2.29 per bushel in the case of the 1976 crop, and $2.47 per bushel in the case of the 1977 crop.

(b) *Disaster payment rates.* The per bushel disaster payment rate shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for the 1975 program year is $.68 per bushel. The disaster payment rate for the 1976 program year is $.76 per bushel. The disaster payment rate for the 1977 program year is $.82 per bushel.

(Sec. 107, 84 Stat 1358, 87 Stat. 224, 87 Stat. 944 (7 U.S.C. 1445a))

Effective date: This amendment becomes effective on March 31, 1977.

Signed at Washington, D.C. on March 25, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9611 Filed 3-31-77;8:45 am]

PART 729—PEANUTS

Subpart—1977 Crop of Peanuts: Acreage Allotments and Marketing Quotas

INCREASE IN VALENCIA TYPE ACREAGE ALLOTMENTS

Basis and purpose. The provisions of 7 CFR 729.106 are issued pursuant to section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)(2)). The purpose of § 729.106 is to make a determination on the basis of the average yield per acre of Valencia type peanuts during the five-year period 1972–76, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia type peanuts for the 1977–78 marketing year will be insufficient to meet estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice that a determination would be made with respect to the supply of Valencia type peanuts under section 358 (c)(2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 25, 1977 (42 FR 11015). The overwhelming majority of the recommendations received related to production in New Mexico, for which they recommended a minimum of 4,312 acres. Such recommendations received in response to the notice were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended. In order that peanut farmers may be notified as soon as possible of any increases of farm allotment for the 1977 crop, it is essential that § 729.106 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.106 shall be effective upon filing of this document with the Director, Office of the Federal Register.

7 CFR Part 729 is amended by revising § 729.106 to read as follows:

§ 729.106 Additional allotment for Valencia type peanuts of the 1977 crop.

(a) *Determination of short supply.* The term "Valencia type peanuts" means Valencia type peanuts as defined in § 729.7(c) of the Allotment and Marketing Quota Regulations for Peanuts of the 1972 and Subsequent Crops (37 FR 2645, 3629). It is hereby determined that the supply of Valencia type peanuts for the 1977–78 marketing year (August 1, 1977 through July 31, 1978) determined in accordance with section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended, will be insufficient to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *State allotment increases for 1977 crop.* The State allotment for peanuts of the 1977 crop for States which produced Valencia type peanuts during any one or more of the years 1974, 1975 and 1976 shall be increased in the aggregate by 4,236 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of allotment increase to States for 1977 crop.* The aggregate of State allotment increases in the amount of 4,236 acres established under paragraph (b) of this section is hereby apportioned to States on the basis of the average acreage of Valencia type peanuts in each State in 1974, 1975 and 1976. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

	1947 harvested acreage of peanuts	1974-76 average harvested acreage of Valencia peanuts [1]	1977 increase in Basic State allotment for Valencia-type peanuts	1977 previous State allotment	1977 revised State allotment
	Acres				
Alabama	463,000			216,641	216,641
Arizona		2	1	761	762
Arkansas	8,000			4,238	4,238
California				930	930
Florida	105,000	2	1	55,572	55,573
Georgia	1,124,000			529,884	529,884
Louisiana	4,000			1,945	1,945
Mississippi	13,000	85	63	7,492	7,555
Missouri				247	247
New Mexico	14,000	5,373	4,000	5,787	9,787
North Carolina	292,000	3	2	167,879	167,881
Oklahoma	325,000	16	12	138,290	138,302
South Carolina	26,000	3	2	13,891	13,893
Tennessee	5,000	3	2	3,552	3,554
Texas	836,000	206	153	358,063	358,216
Virginia	162,000			104,828	104,828
U.S. total	3,377,000	5,693	4,236	1,610,000	1,614,236

[1] Less increase in State allotment for Valencia short supply.

(d) *No credit for future allotments.* The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Sec. 358(c)(2), 65 Stat. 29, as amended (7 U.S.C. 1358(c)(2)); Sec. 375, 52 Stat. 66, as amended (7 U.S.C. 1375).)

Effective date: This amendment takes effect on March 29, 1977.

Signed at Washington, D.C., on March 29, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9772 Filed 3-29-77;4:31 pm]

[Amdt. 4]

PART 755—FEED GRAINS

Feed Grain Program for Crop Years 1975-1977

1977 CROP ESTABLISHED PRICES AND DISASTER PAYMENT RATES

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 (Pub. L. 91-524, 84 Stat. 1358), by the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93-86, 87 Stat. 230), and by Pub. L. 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established prices and the disaster payment rates for the 1977 crop of corn, grain sorghum and barley.

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the established price for the 1977 crop of corn be $1.57 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of feed grains for the three calendar years 1974-1976 over the national average yield for the three calendar years 1973-1975.

In determining the change in the PPI during calendar year 1976, the average of the monthly PPI's for the 1976 calendar year was compared with the average of the monthly PPI's for the 1975 calendar year. The 1976 average was 709 and the 1975 average was 665. Thus, the adjustment resulting from the increase in the PPI during calendar year 1976 is 6.62 percent.

The 1974-1976 average yield per acre of corn was 81.7 bushels. The 1973-1975 average was 82.9 bushels. The 1974-1976 average is 1.45 percent below the 1973-1975 average.

The total adjustments is, therefore, 8.07 percent (6.62-(-1.45)). Thus, the established price for the 1977 crop of corn is $1.70 per bushel ($1.57 times 1.0807).

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

The established price for the 1977 crop of grain sorghum is $1.62 per bushel and for barley $1.39 per bushel determined on the basis of the feeding value relationship to corn of 95 percent. (Sorghum, $1.70×.95; barley, $1.70×.95÷56 pounds corn per bushel ×48 pounds barley per bushel.)

Since farmers need to know the established price for the 1977 crop as soon as possible so that they may make plans for their 1977 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the amendment shall be effective on March 31, 1977.

Section 775.10 of the Feed Grain Program for Crop Years 1975-1977 Regulations, 7 CFR §§ 775.1-775.26, is amended to read as follows:

§ 775.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of corn shall be the amount by which the higher of: (1) The national weighted average market price received by farmers for corn during the first five months of the marketing year for such crop beginning October 1, or

(2) The national average loan rate established for such crop is less than the the established price of $1.38 per bushel in the case of the 1975 crop, $1.57 per bushel in the case of the 1976 crop, and $1.70 per bushel in the case of the 1977 crop.

Per bushel rates shall be established in like manner for grain sorghum and barley based on marketing years beginning October 1 for grain sorghum and June 1 for barley, and on the established prices determined each program year. The established prices for grain sorghum and barley are based on a feeding value relationship to corn of 95 percent. The established prices for the 1975 program year are $1.31 per bushel for grain sorghum and $1.13 per bushel for barley. The established prices for the 1976 program year are $1.49 per bushel for grain sorghum and $1.28 per bushel for barley. The established prices for the 1977 program year are $1.62 per bushel for grain sorghum and $1.39 per bushel for barley.

(b) *Disaster payment rates.* The per bushel disaster payment rate for each feed grain shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rates for the 1975 program year are $.46 per bushel for corn, $.44 per bushel for grain sorghums, and $.38 per bushel for barley. Disaster payment rates for the 1976 program year are $.52 per bushel for corn, $.50 per bushel for grain sorghum and $.43 per bushel for barley. Disaster payment rates for the 1977 program year are $.57 per bushel for corn, $.54 per bushel for grain sorghum and $.46 per bushel for barley.

(Sec. 107, 84 Stat. 1358, 87 Stat. 230, 87 Stat. 944 (7 U.S.C. 1441).)

Effective date: This amendment becomes effective on March 31, 1977.

Signed at Washington, D.C. on March 25, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9612 Filed 3-31-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 86]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(R) Editorial changes shall be

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 3–9, 1977. It is issued under the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. This regulation is needed to provide for orderly marketing of fresh lemons, because of the production and marketing situation confronting the lemon industry. The regulation will tend to assure an adequate supply of lemons throughout the marketing season to the benefit of producers and consumers.

DATES: Weekly regulation period April 3–9, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this section will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is improved this week. Average f.o.b. price was $5.53 per carton the week ended March 26, 1977 compared to $5.50 per carton the previous week. Track and rolling supplies at 110 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this section.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this section is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on March 29, 1977.

§ 910.386 Lemon Regulation 86.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 3, 1977, through April 9, 1977, is established at 230,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: March 30, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-10029 Filed 3-31-77;11:29 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 1]

PART 794—DIVISION OF PAYMENTS

Miscellaneous Provisions

The following changes are being made in the provisions of 7 CFR Part 794 which govern division of payments in order to conform with the provisions of the individual program regulations:

1. The form on which payment shares are recorded is identified as a "payment form" instead of an "intention form".

2. Program payments will normally be shared in the same manner as the crop is shared from allotment acreage on the farm or other participating unit or would have been shared had the crop been produced.

3. Approval of a different division of payments as determined by the county committee to be fair and equitable must have the concurrence of a representative of the State committee only when one or more producers do not agree to the division.

The regulations at 7 CFR Part 794 are amended as follows:

1. Section 794.2 is amended by revising paragraphs (a) and (b) to read as follows:

§ 794.2 Division of program payments.

(a) *General.* Each person on a participating farm, or other participating unit as approved by the Deputy Administrator, shall be given the opportunity to participate in the program in proportion to his interest in the program crops on allotment acreage or the interest he would have had if the crops had been produced. The name of such person shall be listed on a form which is approved by the Deputy Administrator for recording payment shares, herein called "payment form." If such person refuses or fails to sign the payment form, the share of the payment to which he would otherwise be entitled shall nevertheless be shown on the form. Federal agencies can earn no program payments but any shares to which such agencies would otherwise be entitled shall also be shown on the form as though the agencies were earning them. The sum of the percentage shares of the program payment shall equal 100 percent.

(b) *Division of program payment.* Each producer's share of the farm program payment for a crop shall be based on the following:

(1) His share of the crop from allotment, acreage, or the proceeds thereof, or

(2) If no crop is produced, the share which he would have otherwise received had the crop been produced.

Notwithstanding the foregoing sentence, except in the case of a small farm payment under the upland cotton program, a different division of payments which is fair and equitable may be approved by the county committee if all of the producers who would otherwise share in the payment agree to the different division in writing. Such different division of payments may also be approved by the county committee, with the concurrence of a representative of the State committee, even though all of the producers cannot agree on the division. In addition, a different division of payments may be approved by the county committee when required by the applicable program regulations which relate to successors-in-interest.

* * * * *

§ 794.3 [Amended]

2. Section 794.3 is amended as follows:

(a) By deleting the first three words "An intention form" in paragraph (a) and substituting the word "Payment".

(b) By revising the second sentence in paragraph (a)(4) to read as follows: "If any of such conditions occur or are discovered after payments have been made all, or any such part of the payments as the State committee may determine, shall be refunded to the Commodity Credit Corporation."

(c) By deleting the words "the crop covered by the intention form" in paragraph (b) and substituting the words "the program crop".

(Sec. 103, 87 Stat. 233; sec. 105, 87 Stat. 230; sec. 107, 87 Stat. 224 (7 U.S.C. 1444, 7 U.S.C. 1441 note, 7 U.S.C. 1445a).)

Since these changes are necessary to conform with current program provisions, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Effective date: These regulations shall become effective on March 25, 1977.

Signed at Washington, D.C. on March 24, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-9485 Filed 3-25-77;2:39 p.m.]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 928—PAPAYAS GROWN IN HAWAII

Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This amendment revises the provisions allowing the handling of immature papayas. It was recommended by the Papaya Administrative Committee. This amendment will continue to make available, under revised terms and conditions, supplies of immature papayas which are used in cooking.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545.

SUPPLEMENTARY INFORMATION: The rules and regulations (Subpart—Rules and Regulations; 7 CFR 928.141-928.160) are effective pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii, hereinafter referred to as the "order". This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment was unanimously recommended by the Papaya Administrative Committee, established under the order as the agency to administer its terms and provisions. As amended, the rules and regulations would specify revised terms and conditions with respect to the handling of immature papayas under § 928.152. Handlers who wish to handle immature papayas must apply to and be approved by the committee prior to such handling. Containers of immature papayas will be required to be properly marked "Off-Grade—Immature" or "Immature" depending on destination. In addition, immature papayas, regardless of destination, will be required to be individually stamped or labeled in a uniform manner approved by the committee indicating immaturity. Immature papayas are used in cooking by certain ethnic groups. The labeling requirements are safeguard designed to prevent immature papayas from being represented as mature fruit or diverted to markets which require mature papayas.

After consideration of all relevant matter presented, including the recommendations of the committee and other available information, it is found that amendment of the rules and regulations, as provided herein, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of papayas.

Therefore, § 928.152 is amended to read as follows:

§ 928.152 Maturity exemption.

(a) An immature papaya is one which has not reached the stage of maturity wherein the lower or blossom end half of the papaya shows a definite tinge of yellow.

(b) The handling of immature papayas shall be limited to papaya handlers whose name appears on the committee's current list of approved immature papaya handlers established pursuant to paragraph (c) of this section. Such papayas so handled shall be exempt from grade, size, quality, and maturity regulations issued pursuant to §§ 928.52 and 928.53.

(c) Any handler who desires to handle immature papayas shall, prior thereto, file with the committee an application and agreement therefor on PAC Form 7, which shall contain the following information: (1) Name and address of the applicant; (2) an agreement that containers of immature papayas handled to destinations within the State of Hawaii shall be clearly marked "Off-Grade—Immature" in letters not less than one-half inch in height and containers of such fruit handled in export shall be clearly marked "Off-Grade—Immature" or "Immature" in letters not less than one-half inch in height and further that each immature papaya, regardless of destination, shall be stamped or labeled in a uniform manner approved by the committee indicating immaturity; and (3) an agreement to promptly submit such reports on immature papayas handled at such times as may be required by the committee. The application shall be signed by the applicant or an authorized employee of the applicant and filed with the committee.

(d) If approved by the committee, the applicant's name shall be placed on the committee's list of approved immature papaya handlers. The applicant shall be notified of the committee's action.

(e) The committee may reject an application for just cause, such as a handler's past failure to comply with the requirements for the handling of immature papayas or his past failure to promptly submit reports as may be required under subparagraph (3) of paragraph (c) of this section and may also, for like causes, immediately suspend upon written notice, authorization previously granted a handler to handle immature papayas and remove his name from the list of approved immature papaya handlers.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated March 29, 1977, to become effective April 1, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-9718 Filed 3-31-77;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

MILK IN THE IOWA MARKETING AREA

Order Amending and Merging Orders

7 CFR Part	Marketing area	Docket No.
1079	Des Moines, Iowa	AO-295-A32
1070	Cedar Rapids and Iowa City.	AO-229-A32
1078	North Central Iowa	AO-272-A27
1063	Quad Cities and Dubuque	AO-105-A43

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final order merges the four Federal milk marketing orders mentioned above into a single order, which will be known as the "Iowa" order. The marketing area of the new order will include the marketing areas of the four individual orders, plus 22 Iowa counties that were previously unregulated.

As required by statute, the proposed Iowa order has been approved by at least two-thirds of the dairy farmers whose milk would be marketed under the order.

DATE: The Iowa order will become effective May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-2132).

SUPPLEMENTARY INFORMATION: Prior dockets in this proceeding: Notice of Hearing: Issued March 9, 1976; published March 12, 1976 (41 FR 10612). Recommended Decision: Issued December 29, 1976; published January 6, 1977 (42 FR 1356). Final Decision: Issued March 16, 1977; published March 23, 1977 (42 FR 15841)

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Iowa order, which amends and merges the aforesaid orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Iowa marketing area, and the minimum prices specified in the Iowa order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Iowa order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreements upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Iowa order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, of 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1079.85.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk which is marketed within the Iowa marketing area to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of the Iowa order, which amends and merges the aforesaid orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the Iowa order; and

(3) The issuance of the Iowa order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the orders regulating the handling of milk in the Des Moines, Iowa, Cedar Rapids-Iowa City, North Central Iowa, and Quad Cities-Dubuque marketing areas (Parts 1079, 1070, 1078, and 1063, respectively) shall be amended and merged into one order. Parts 1063, 1070, and 1078 are thereby superseded, and such vacated part designations shall be reserved for future assignment. The handling of milk in the merged marketing area, to be designated as the "Iowa Marketing Area" (Part 1079), shall be in conformity to and in compliance with the terms and conditions of the following attached order:

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA [REVOKED]

PART 1070—MILK IN THE CEDAR RAPIDS-IOWA CITY MARKETING AREA [REVOKED]

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA [REVOKED]

PART 1079—MILK IN THE IOWA MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1079.1 General provisions.

DEFINITIONS

1079.2 Iowa marketing area.
1079.3 Route disposition.
1079.4 Plant.
1079.5 [Reserved]
1079.6 [Reserved]
1079.7 Pool plant.
1079.8 Nonpool plant.
1079.9 Handler.
1079.10 Producer-handler.
1079.11 [Reserved]
1079.12 Producer.
1079.13 Producer milk.
1079.14 Other source milk.
1079.15 Fluid milk product.
1079.16 Fluid cream product.
1079.17 Filled milk.
1079.18 Cooperative association.

HANDLER REPORTS

1079.30 Reports of receipts and utilization.
1079.31 Payroll reports.
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CLASSIFICATION OF MILK

1079.40 Classes of utilization.
1079.41 Shrinkage.
1079.42 Classification of transfers and diversions.
1079.43 General classification rules.
1079.44 Classification of producer milk.
1079.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1079.50 Class prices.
1079.51 Basic formula price.
1079.52 Plant location adjustments for handlers.
1079.53 Announcement of class prices.
1079.54 Equivalent price.

UNIFORM PRICE

1079.60 Handler's value of milk for computing uniform price.
1079.61 Computation of uniform price.
1079.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1079.70 Producer-settlement fund.
1079.71 Payments to the producer-settlement fund.
1079.72 Payments from the producer-settlement fund.
1079.73 Payments to producers and to cooperative associations.
1079.74 Butterfat differential.
1079.75 Plant location adjustments for producers and on nonpool milk.
1079.76 Payments by handler operating a partially regulated distributing plant.
1079.77 Adjustment of accounts.
1079.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1079.85 Assessment for order administration.
1079.86 Deduction for marketing services.

AUTHORITY: Sec. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).

GENERAL PROVISIONS

§ 1079.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1079.2 Iowa marketing area.

"Iowa marketing area" (referred to in this part as the "marketing area") aries listed below, including all territory that is now, or in the future, occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

(a) The Iowa counties of:

Adair	Humboldt
Adams	Iowa
Allamakee	Jackson
Appanoose	Jasper
Audubon	Jefferson
Benton	Johnson
Black Hawk	Jones
Boone	Keokuk
Bremer	Linn
Buchanan	Louisa
Butler	Lucas
Calhoun	Madison
Carroll	Mahaska
Cedar	Marion
Cerro Gordo	Marshall
Chickasaw	Monroe
Clarke	Muscatine
Clayton	Pocahontas
Clinton	Polk
Dallas	Poweshiek
Davis	Ringgold
Decatur	Scott
Delaware	Story
Dubuque	Tama
Fayette	Taylor
Floyd	Union
Franklin	Wapello
Greene	Warren
Grundy	Washington
Guthrie	Wayne
Hamilton	Webster
Hancock	Wright
Hardin	

and the city of Osage in Mitchell County.

(b) The Illinois counties of:

Henry	Rock Island
Mercer	

and the city of East Dubuque in Jo Daviess County.

§ 1079.3 Route disposition.

"Route disposition" means any delivery (including any delivery by a vendor or disposition at a plant store) of a fluid milk product classified as Class I milk, other than bulk fluid milk products transferred to other plants.

§ 1079.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit or separate facilities at which milk is only reloaded from one tank truck to another for transshipment shall not be a "plant" under this definition.

§ 1079.5 [Reserved]

§ 1079.6 [Reserved]

§ 1079.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool distributing plant") that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) The total route disposition (excluding packaged fluid milk products received from other plants and filled milk) as a percent of the total Grade A fluid milk products received in bulk form at such plant or diverted therefrom by the plant operator is equal to 40 percent or more during each of the months of September through November and 35 percent or more during all other months; and

(2) Not less than 15 percent of such receipts are disposed of as route disposition (except filled milk) in the marketing area.

(b) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool supply plant") that is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which during the month the volume of bulk fluid milk products transferred to pool distributing plants during each of the months of September through November is 35 percent or more and during each of the months of December through August is 20 percent or more of the total Grade A milk received at the plant from dairy farmers and handlers described in § 1079.9(c), including milk diverted therefrom by the plant operator pursuant to § 1079.13. For plants located within the States of Iowa, Minnesota, Wisconsin, or that portion of Illinois north of Interstate 80, the shipping requirements of this paragraph may also be met in the following ways:

(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1079.9 (c);

(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to § 1079.13(d) to pool distributing plants;

(3) The operator of a supply plant may include as qualifying shipments transfers of fluid milk products to distributing plants regulated under other Federal orders, except that credit for such transfers shall be limited to the amount of milk, including milk shipped directly from producers' farms, delivered to pool distributing plants under this order; and

(4) Two or more supply plants operated by the same handler or by one or more cooperative associations may qualify for pooling as a unit by meeting the applicable percentage requirements of this paragraph in the same manner as a single plant if the handler submits a written request to the market administrator prior to the first day of September requesting that such plants qualify as a unit for the period September through August of the following year. (Units may form on the effective date of the merged order. Such units may continue in effect through August 1977.) The request shall list the plants to be included in the unit in the sequence in which they shall qualify for pool plant status based on the minimum deliveries required. If the deliveries made are insufficient to qualify the entire unit for pooling, the plant last on the list shall be excluded from the unit, followed by the plant next-to-last on the list, and continuing in this sequence until the remaining plants on the list have met the minimum shipping requirements. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant fails subsequently to qualify for pooling or the handler submits a written request to the market administrator prior to the first day of the month that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or that has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in any subsequent month through the following August to a unit that qualifies in September.

(c) Any plant, except a plant included in a unit, that qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified as a pool plant pursuant to this section if the conditions of paragraph (d)(3) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1079.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of fluid milk products in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, excluding filled milk, or to other order plants qualified on the basis of route disposition, than is disposed of from such plant in the Iowa marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part; and

(4) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1079.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant,

from which Grade A milk or filled milk is disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant from which fluid milk products are shipped during the month to a pool plant.

(e) "Governmental agency plant" means a plant that is operated by a government institution and from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1079.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted for the account of the cooperative association from a pool plant of another handler in accordance with §1079.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) Any person who is a producer-handler;

(f) Any person who operates an other order plant described in § 1079.7(d); and

(g) Any person who operates an unregulated supply plant.

§ 1079.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant at which Grade A milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products at his plant (or at any distribution facility, including routes, operated by him, an affiliate, or any person who controls or is controlled by him) from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of fluid milk products during the month from pool plants or from other order plants;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1079.11 [Reserved]

§ 1079.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1079.9(c); or

(3) Diverted from a pool plant in accordance with § 1079.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1079.44 (a)(8)(iii) and the corresponding step of § 1079.44 (b);

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) Any government institution which produces milk in conjunction with the operation of a plant exempt from all provisions of this Part pursuant to § 1079.8(e).

§ 1079.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1079.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1079.9(c), is the handler for such milk;

(d) Diverted from the pool plant of a proprietary handler for the account of the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1079.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the month may not exceed 50 percent in the months of September through November and 70 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The operator of a pool plant (other than a cooperative association) may divert for his account any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d)(2) of this section. The total quantity so diverted during the month may not exceed 50 percent in the months of September through November, and 70 percent in other months, of the milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator;

(4) Any milk diverted in excess of the limits prescribed in paragraph (d)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1079.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1079.40(b)(1) from any source other than producers, handlers described in § 1079.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1079.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1079.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1079.40(b)(1) for which the handler fails to establish a disposition.

§ 1079.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk,

lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1079.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1079.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1079.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

§ 1079.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1079.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1079.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1079.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1079.31 Payroll reports.

(a) On or before the 22nd day of each month, each handler described in § 1079.9 (a), (b), and (c) shall report to the market administrator his producer payroll for the preceding month, in the detail prescribed by the market administrator, which shall show:

(1) The name and address of each producer;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) If the handler pays individual producers pursuant to § 1079.73 (a)(4) and (c)(3), the price per hundredweight, the gross amount due, the amount and nature of any deductions, and the amount paid; or, if the handler pays a cooperative association pursuant to § 1079.73 (a)(2) and (c)(1) or (a)(3) and (c)(2), the aggregate amount paid to the cooperative association.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1079.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1079.32 Other reports.

In addition to the reports required pursuant to §§ 1079.30 and 1079.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1079.40 Classes of utilization.

Except as provided in § 1079.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1079.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or

packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In fluid milk products destroyed or lost under extraordinary circumstances;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1079.15; and

(7) In shrinkage assigned pursuant to § 1079.41(a) to the receipts specified in § 1079.41(a)(2) and in shrinkage specified in § 1079.41 (b) and (c).

§ 1079.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1079.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1079.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5) and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1079.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1079.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1079.44 (a)(12) and the corresponding step of § 1079.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1079.44(a)(7) or the corresponding step of § 1079.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1079.44(a) (11) or (12) or the corresponding steps of § 1079.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section;

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1079.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted to a governmental agency plant shall be classified:

(1) As Class I milk, if transferred or diverted in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1079.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route dispostion in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in paragraph (d)(2) of this section.

(e) *Transfers by a handler described in § 1079.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1079.9(c) to another handler's pool plant shall be classified pursuant to § 1079.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1079.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1079.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1079.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1079.40, 1079.41, and 1079.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1079.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1079.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1079.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1079.9(a) for each of his separate pool plants the classification of producer milk and milk received from a handler described in § 1079.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1079.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) For a pool plant that was subject to § 1079.40(b)(1) or comparable provisions of another Federal order in the immediately preceding month, subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that

were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1079.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1079.40(b)(1) that was not subtracted pursuant to paragraphs (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1079.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1079.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to paragraph (a)(11) of this section exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to paragraph (a)(11) of this section exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraphs (a)(7)(vi) and (a)(8)(iii) of this section:

(i) Subject to the provisions of paragraphs (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1079.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to

be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computation pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1079.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, and milk received from a handler described in § 1079.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1079.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1079.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1079.44(a)(12) and the corresponding step of § 1079.44(b), estimate and publicly announce on or before the 12th day of the month the Class I utilization (to the nearest whole percentage) during the previous month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1079.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

CLASS PRICES

§ 1079.50 Class prices.

Subject to the provisions of § 1079.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1079.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1079.52 Plant location adjustments for handlers.

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include that territory both inside and outside the marketing area, not included in Zones 2 and 3.

(2) Zone 2 shall include:

(i) The Iowa counties of Benton, Cedar, Clinton, Iowa, Johnson, Jones, Keokuk, Linn, Louisa, Marshall, Muscatine, Poweshiek, Scott, Tama, and Washington; and

(ii) The Illinois counties of Henry, Mercer, and Rock Island.

(3) Zone 3 shall include:

(i) The Iowa counties of Alamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clay, Clayton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Kossuth, Mitchell, Palo Alto, Pocahontas, Webster, Winnebago, Winneshiek, Worth and Wright; and

(ii) The States of Minnesota and Wisconsin and that portion of Illinois that is north of Interstate 80.

(b) For milk received at a plant from producers or from a handler described in § 1079.9(c) and which is classified as Class I milk without movement in bulk form to a pool plant at which a higher Class I price applies, the price specified in § 1079.50(a) shall be adjusted as follows:

(1) In Zone 1, no adjustment;

(2) In Zone 2, minus 7 cents; and

(3) In Zone 3, the price shall be reduced by 7 cents and by an additional 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Ames, Marshalltown, or Cedar Rapids, Iowa.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

(d) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant deter-

mined by the market administrator as follows:

(1) Subtract from the pounds of Class I milk remaining at the transferor-plant after the computations pursuant to § 1079.44(a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Subtract the pounds of bulk fluid milk products physically received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1079.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining pro rata to bulk receipts of fluid milk products from each transferor-plant at which a lower Class I price applies; and

(5) Multiply the pounds computed for each transferor-plant in paragraph (d)(4) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and III prices for the preceding month.

§ 1079.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1079.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1079.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1079.9(c) in each class as determined pursuant to § 1079.43(a) and § 1079.44(c) by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1079.44(a)(14) and the corresponding step of § 1079.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1079.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1079.44(a)(9) and the corresponding step of § 1079.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1079.44(a)(7)(i) through (iv) and the corresponding step of § 1079.44(b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a)(7)(v) and (vi) and the corresponding step of § 1079.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a)(11) and the corresponding step of § 1079.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract, for a handler described in § 1079.9(c), the amount obtained from multiplying the Class III price for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1079.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content at plants in Zone 1 pursuant to paragraphs (a) through (e) of this section. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1079.71 for the preceding month shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the values computed pursuant to § 1079.60 for all handlers;

(b) Add an amount equal to the sum of the location adjustments computed pursuant to § 1079.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight of milk for which a value is computed pursuant to § 1079.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The result shall be known as the uniform price for milk received from producers.

§ 1079.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1079.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1079.71, 1079.76, and 1079.77 and out of which he shall make all payments due handlers pursuant to §§ 1079.72 and 1079.77: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1079.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1079.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1079.75, of such handler's receipts of producer milk and milk received from a handler described in § 1079.9(c). In the case of a handler described in § 1079.9(c), less the amount due from other handlers pursuant to § 1079.73, exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1079.60(f).

§ 1079.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of the month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.71(a)(2) exceeds the amount computed pursuant to § 1079.71(a)(1): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1079.73 Payments to producers and to cooperative associations.

(a) On or before the last day of the month, each handler shall pay for milk received from producers and cooperative associations during the first 15 days of the month as follows:

(1) If received from a cooperative association that is a handler pursuant to § 1079.9(a), at not less than the uniform price at the transferee plant location for the preceding month, adjusted by the butterfat differential for the preceding month;

(2) If received from a cooperative association that is a handler pursuant to § 1079.9(c), at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75;

(3) If received from a cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate, at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75; and

(4) If received from a producer for whom payment is not being made pursuant to paragraph (a) (2) or (3) of this section and who has not discontinued shipping to such handler, at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75.

(b) On or before the 18th day after the end of the month, each handler shall pay for milk received during the month from a cooperative association which is a handler pursuant to § 1079.9(a) at not less than the value of such milk computed at the applicable class prices for the month, as adjusted by the butterfat differential specified in § 1079.74 and plant location adjustments specified in § 1079.52, less the partial payment pursuant to paragraph (a) of this section.

(c) On or before the 18th day after the end of the month, each handler shall make a final payment for milk received during the month from producers and cooperative associations that were not handlers for such milk pursuant to § 1079.9(a). The amount of such payment shall be computed by multiplying the hundredweight of milk received from the producer or cooperative association by not less than the uniform price for the month (as adjusted by the butterfat differential specified in § 1079.74 and the location adjustments specified in § 1079.75) and by subtracting from this product any payment made to such producer or cooperative pursuant to paragraph (a) of this section. Those producers and cooperative associations covered by this paragraph include:

(1) A cooperative association that is a handler pursuant to § 1079.9(c);

(2) A cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate; and

(3) A producer for whom payment is not being made pursuant to paragraph (c)(1) or (2) of this section.

(d) In making payments pursuant to paragraph (a)(3) and (4) and (c)(2) and (3) of this section, deductions may be made for marketing service pursuant to § 1079.86 and for any proper deductions authorized in writing by the producer. In the event a handler has not received full payment from the market administrator pursuant to § 1079.72 by the 18th day of the month, he may reduce pro rata his payments to producers pursuant to paragraph (c) of this section by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this section.

(e) In making payment to individual producers as required by this section, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment to the producer is required pursuant to this section;

(4) The rate used in making the payment, if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1079.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1079.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1079.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant or diverted from a pool plant shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) The uniform price applicable to other source milk shall be reduced at the rates set forth in § 1079.52, except that the adjusted uniform price shall not be less than the Class III price.

§ 1079.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1079.30(b) and 1079.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition of fluid milk products in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition of fluid milk products in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1079.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1079.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective orders; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1079.60 for such handler shall include, in lieu of the value of other source milk specified in § 1079.60(f) less the value of such other source milk specified in § 1079.71(a)(2)(ii), a value of milk determined pursuant to § 1079.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1079.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1079.30(b) and 1079.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1079.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74, for milk received at the plant during the month that would have been producer milk of the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1079.77 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments pursuant to §§ 1079.71, 1079.85 and 1079.86, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payments to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1079.73, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1079.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1079.71, 1079.76, 1079.77 (a), 1079.85, and 1079.86, for which remittance has not been made (or, if mailed, postmarked) by the date specified for such payment, shall be increased three-fourths of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1079.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than:

(1) Receipts of producer milk by a handler described in § 1079.9(c) that were delivered to pool plants of other handlers; and

(2) Receipts of producer milk that were transferred to pool plants of other handlers by a cooperative association in its capacity as a handler pursuant to § 1079.9(a);

(b) Receipts from a handler described in § 1079.9(c);

(c) Receipts from a cooperative association in its capacity as a handler pursuant to § 1079.9(a);

(d) Other source milk allocated to Class I pursuant to § 1079.44(a)1(7) and (11) and the corresponding steps of § 1079.44(b), except such other source milk that is excluded from the computations pursuant to § 1079.60 (d) and (f); and

(e) Route dispostion in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat specified in § 1079.76(a)(2).

§ 1079.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers (other than himself) pursuant to § 1079.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quan-

tity of milk for which a deduction was computed for each producer.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674.)

Effective date: May 1, 1977.

Signed at Washington, D.C. on March 29, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-9719 Filed 3-31-77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 100—STATEMENT OF ORGANIZATION

Miscellaneous Amendments to Chapter

Correction

In FR Doc. 77-8361 appearing at page 15301 in the issue for Monday, March 21, 1977, in § 100.4 (c)(2), Calais, Maine should have had an asterisk in front of it.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments; Brucellosis Areas

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Montgomery County in Iowa.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1 (m): Etowah County in Alabama; and Jerome County in Idaho.

Accordingly, §§ 78.20, 78.21 and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.*

Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Dale, Geneva, Henry, Lee.

Arkansas. Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Prairie, Searcy, Sharp, Stone, Union, Woodruff.

Colorado. Adams, Alamosa, Araphoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Caribou, Clearwater, Custer, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry Piatt, Pike, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Davis, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Johnson, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Scott, Shelby, Tama, Taylor, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Gove, Graham, Greeley, Haskell, Hodgeman, Johnson, Lane, Logan, Marshall, Pawnee, Phillips, Riley, Scott, Sheridan, Thomas, Trego, Wallace, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hancock, Hardin, Jefferson, Johnson, Knox, Lake, Meigs, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Warren, White.

Texas. Brewster, Childress, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Mason, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete,

Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, Yabucoa, Yauco.

§ 78.21 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States*.

Alaska, Louisiana, Nebraska, Oklahoma.

(b) *Specific Counties Within States*.

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Chicot, Clark, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pope, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado. Mesa, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackon, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Butte, Cassia, Clark, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Teton, Twin Falls.

Illinois. Pope, Williamson.

Iowa. Allamakee, Appanoose, Cerro Gordo, Crawford, Decatur, Delaware, Guthrie, Harrison, Jasper, Jefferson, Jones, Monroe, Ringgold, Sac, Sioux, Story, Union, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Wabaunsee, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Mississippi, Monroe, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamblen, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Washington, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Gal-

veston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackleford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.
Wyoming. Lincoln.
Puerto Rico. Arecibo, Carolina, Hatillo, Las Piedras, Naguabo.

§ 78.22 Noncertified areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:
(a) *Entire States*.
(b) *Specific Counties With States*.
Missouri. Morgan.
Iowa. Montgomery.
Puerto Rico. Vieques.

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693, and secs. 3 and 11, 76 Stat. 130, 132, 21 U.S.C 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

Effective date: The foregoing amendments shall become effective April 1, 1977.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of March 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

R. P. JONES,
Deputy Administrator,
Veterinary Services.

[FR Doc. 77–9716 Filed 3–31–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation PR 166; Docket 29626]

PART 300—RULES OF CONDUCT IN BOARD PROCEEDINGS

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This issuance establishes rules of conduct in Board proceedings, including among others the areas of communications with Board employees and conflicts of interest. It makes final, with some changes in response to several comment stages, the interim rule that has been in effect. The rule is intended to make sure that Board activities are conducted fairly and efficiently, without improper influences, and that the public has free and equal access to the materials on which decisions are based.

DATES: Effective April 11, 1977. Because this issuance relieves restrictions, and imposes no significant burdens beyond those of the existing rule, it is found for good cause that an effective date earlier than 30 days after issuance is in the public interest.

Adopted: March 29, 1977.

FOR FURTHER INFORMATION CONTACT:
James C. Schultz, 202–673–5233.

SUPPLEMENTARY INFORMATION:

RECENT NOTICES

A series of notices has been issued recently on this subject:

PR–154, 41 FR 34587, August 16, 1976: Part 300 reissued as an interim regulation effective September 30, 1976, with opportunity to comment on urgent matters before September 15, 1976.

PDR–41, 41 FR 34650, August 16, 1976: Notice proposing that the interim rule become the permanent rule, with comment period to December 29, 1976.

PR–158, 41 FR 43715, October 5, 1976; PR–159, 41 FR 48119, November 2, 1976: Effectiveness of interim regulation postponed until October 25, 1976.

PR–160, 41 FR 48116, November 2, 1976: Interim regulation amended in response to initial round of comments.

PDR–41A, 41 FR 48129, November 2, 1976: Notice requesting comments on the changes in interim regulation.

PDR–41B, 41 FR 51036, November 19, 1976: Supplemental notice requesting comment on constitutional issues raised by earlier comments.

PR–162, 42 FR 5346, January 28, 1977: Amendment concerning improper influence, in response to comments on constitutional issues.

This issuance follows specifically the notices of proposed rulemaking PDR–41 and PDR–41A, cited above. It includes a rewrite of the rule for clarity, and some substantive changes from the interim rule on the Board's initiative.

DISCUSSION OF COMMENTS

Two comments were filed, one by the member carriers of the National Air Carrier Association (NACA), and one by Reuben Robertson and the Aviation Consumer Action Project (ACAP).

NACA's comment was directed to the rule against unauthorized communication. It objected to limiting language in an exception in the area of intergovernmental negotiations about international aviation matters, claiming that anything "pertinent to" those subjects should be excepted, rather than only materials "directly and unavoidably involved in" the negotiations.

Partly in response to that comment, but also to define the exceptions more clearly, the areas of intergovernmental negotiation, foreign policy, and international aviation matters have been combined in the rewritten rule. As now issued, the rule allows, in nonhearing cases, unregulated communications relating to national defense or foreign policy. In cases where a hearing is required or ordered, the rule permits unregulated communications on those subjects if the communicator's position with respect to intergovernmental negotiations cannot otherwise be fairly presented, but such communications are excluded from the record for decision in the hearing matter. The Board has found that prohibitive rules of communication can be a serious problem where international aviation is involved, since these matters often concern negotiations with foreign governments, are often of some urgency, and tend to require confidential treatment. As authorized by section 802 of the Federal Aviation Act, the Board has for many years advised the executive branch on such matters, and this course of action has received Congressional recognition. S. Rep. No. 1875, 84th Cong., 2d Sess. (1956). The exclusion from a hearing record of such communications should be a sufficient safeguard against their influencing a decision.

ACAP commented that the new Part 300 "appears to permit some ex parte communications that may be prohibited by the Sunshine Act." The comment did not give examples. Part 300 has been carefully reviewed with respect to the new Sunshine Act provisions, and as now drafted the Board finds that it conforms to them. The main prohibition of unauthorized communication has been changed from the interim rule to cover communications by, as well as to, Board employees. The exceptions to the rule

correspond to the provisions of the Sunshine Act. The exception for national defense and foreign policy matters conforms to a similar exception in the Administrative Procedure Act, 5 U.S.C. 554 (a)(4). The exception for status and expedition requests corresponds to the exclusion of "status reports" in the statute's definition of ex parte communications. The Board considers that status and expedition requests are generally indistinguishable, and intends the exception in the rule to be coextensive with that in the statute. Exceptions for emergency conditions (§ 300.2(c)(5)), cases to be decided within 30 days (§ 300.2 (c)(7)), enforcement investigations (§ 300.2(c)(3)), and mediation efforts (§ 300.2(c)(4)) do not relate to cases that have been noticed for hearing, which are the ones covered by the ex parte provisions of the Sunshine Act. Settlement discussions (§ 300.2(c)(4)), communications between counsel (§ 300.2 (c)(1)), and communications with Board employees in an advocacy role (§ 300.2(c)(2)) do not involve employees involved in the decisional process, another limit to the Sunshine Act's application.

ACAP also questioned the wisdom of extending the scope of these rules to areas beyond formal hearing matters. The Board recognizes that the scope of Part 300 is broader than comparable rules in many other agencies, and broader than the law requires. These objections appear to be based, however, on a misapprehension of the nature of the regulation, in part based on an oversimplified view of it as an extension of "ex parte" rules to such areas as rulemaking and tariff matters. Part 300 in fact does not use the term or the concept of "ex parte," as it appears, for example, in the Sunshine Act, referring to a communication that is not on the record and not communicated to all "parties." Part 300 basically requires that in certain defined "public proceedings" communication that could influence Board decisions must proceed according to established rules, in the broad sense. It does not state what those rules are. Part 302, for example, sets forth many of the governing rules in hearing cases and other types of Board proceedings.

Obviously the rules for communication with the Board in a rulemaking proceeding, for example, which is legislative in nature, must be different from those in an adjudicatory hearing case. In the order that constitutes a notice of proposed rulemaking, the Board customarily invites all interested persons to comment in writing, either formally or informally. Any written communications that are received after that invitation are considered to be in response to the order, even if received after the comment closing date, the deadline for comments the Board will definitely consider before taking final action. Thus, such written communications in a rulemaking case are not in any sense a violation of Part 300, although similar ones might be in other types of cases where the applicable rule must be stricter. Of course, there is no assurance that comments received after the closing date will be considered in connection with that stage of rulemaking, and late-filing parties who want such an assurance should file a motion to that effect under Rule 17 (14 CFR 302.17). The chief need in the area covered by Part 300 is to make clear what are the proper materials to be considered when the Board makes a decision. The prohibiting of certain communications, it should be noted, does not necessarily imply ethical disapproval of them.

The Board is acting in this area in response to higher public expectations of openness and fairness in all types of proceedings, as exemplified by the recent amendments of the Freedom of Information Act, and the Government in the Sunshine Act. Thus, this issuance is not directed at making the applicable rules for communication in public proceedings stricter than they are at present, and certainly not at making them the same for all types of proceedings. Its aim is rather to declare that whatever the rules are for these proceedings, they should be observed, and that nonconforming communications will be disclosed and segregated from the decisional process.

CHANGES FROM THE INTERIM RULE

Several substantive changes have been made from the interim rule, other than those already discussed. The basic starting point for regulating communications has been changed. Instead of depending on the filing of papers to which a response is authorized, a new concept of a "public proceeding" has been used. The term is defined to mean one of the following: (1) a hearing case, after the filing of the initiating document or the Board orders a hearing, (2) a rulemaking proceeding, after the publication of a notice requesting public comment, (3) a tariff filing, after an investigation has been ordered or a complaint has been docketed, or (4) any other proceeding initiated by a docket filing, after the filing of an opposing document. The restriction on unauthorized communication applies to these situations until the point of final disposition. In these cases the rule forbids "substantive communication" (which could influence the decision) with "concerned employees" (those involved in the decisional process). The main effect of this change is to eliminate certain situations in which a communication is permitted but must be recorded. It was found in connection with the interim rule that the multi-layered scheme, with an early point at which communication was permitted but must be recorded, then a later one at which it was prohibited but must still be recorded, was too complex to be generally understood by the interested public and Board employees. Ease of application of these rules is an important objective.

A corollary of this change is that the rules for reporting communications will be the same for Members and Board staff in most cases. The exception is status or expedition inquiries, other than those on national defense or foreign policy subjects, which must be reported only in cases where a response is given by a Member.

The provision (§ 300.4(c) of the interim rule) concerning insertion in a preamble of a notice or advance notice of proposed rulemaking, or in the docket, of a summary of any communication, not more than 6 months before issuance, that was one of the reasons for the issuance has been deleted. This change is not intended to relax the practice regarding the content of preambles. It is made in light of the facts that the 6-month period is arbitrary, and that good practice today, as illustrated by newly issued FEDERAL REGISTER regulations on the subject (1 CFR 18.12, 41 FR 56623, December 29, 1976), requires that any background information be discussed.

A new exception has been added for information provided at the request of Board employees in tariff matters after filing of a complaint but before any investigation order, or in rulemaking proceedings. It has been found that there is occasionally a need for Board employees to obtain information in these types of matters. As long as the request and the data furnished are publicly filed in the docket, as required by § 300.3, the Board finds that there will be no significant danger of abuse in this area.

The provision in the interim rule (§ 300.4(d)) requiring reporting to the Managing Director any request for information that has not been made publicly available has also been revoked. The provision is not needed as a restraint, since the subject of disclosing information is covered, as far as employees are concerned, by 14 CFR Part 370, Employee Responsibilities and Conduct, and requests for information from persons outside the Board are not considered improper. The Board has decided that the burden of reporting such information exceeds any benefits that might be gained from it.

In PR-160, the Board revoked § 300.7 of the interim rule, in response to comments received. That section provided that a party to a proceeding might be required to report its attempts to obtain the support of other government agencies. The Board called for comment on this action in PDR-41A, but no comments were submitted. The Board has decided to omit the provision from the final regulation. The Board considers, however, that it has power to enact such a provision, and either an administrative law judge or the Board may require such reports on an ad hoc basis.

This rule deals with the matter of pre-CAB (§§ 300.9 and .10) and post-CAB (§§ 300.13 and .14) employment primarily by reference to existing criminal statutory provisions. These provisions may or may not be regarded as only a minimum, and the Board does not in this issuance consider the question whether more restrictive rules are appropriate for this agency. It is the Board's intention to reexamine the area of pre- and post-governmental employment as a separate matter, guided by

whatever proposals the Administration may offer.

In §§ 300.9 and 300.10, the rule prohibiting Board employees from disclosing confidential information gained through prior employment has been revoked. The use of confidential information in proper channels of a U.S. Government agency, whose actions are governed by strict rules of conduct and procedure and by overriding concern for the public interest, cannot be construed as intrinsically improper. The propriety of such disclosures will depend on the circumstances of each case, and is not subject to a general rule. Such a situation differs materially from the ones governed by 18 U.S.C. 207, in which a Board employee leaves the agency to work in the private sector, and the danger is disclosure of information gained through official duties with the government.

In § 300.15, dealing with opinions by the General Counsel on the application of Part 300, opinions given to Board employees have been deleted from application of the section. Informal interpretation of Part 300 is necessary as continuing guidance to Board staff, and formal filing and review procedures are inappropriate for this internal function.

Accordingly, 14 CFR Part 300, Rules of Conduct in Board Proceedings, is reissued as set forth below.

Sec.
300.0 Applicability.
300.1 Judicial standards of practice.
300.2 Prohibited communications.
300.3 Reporting of communications.
300.4 Separation of functions.
300.5 Prohibited conduct.
300.6 Practitioners' standards of conduct.
300.7 Conciseness.
300.8 Gifts and unusual hospitality and other conduct affecting Board employees.
300.9 Permanent disqualification of Board Members and employees in matters in which they personally participated before joining the Board.
300.10 Temporary disqualification of Board Members and employees in matters in which they had official responsibility before joining the Board.
300.11 Disqualification of Government officers and employees.
300.12 Practice of special Government employees permitted.
300.13 Permanent disqualification of former Board Members and employees in matters in which they personally participated.
300.14 Temporary disqualification of former Board Members and employees in matters formerly under their official responsibility.
300.15 Opinions or rulings by the General Counsel.
300.16 Waivers.
300.17 Disqualification of partners of Board Members and employees.
300.18 [Reserved].
300.19 Use of confidential information.
300.20 Violations.

AUTHORITY: Secs. 204 and 1001 of the Federal Aviation Act of 1958 as amended, 72 Stat. 743, 788, 49 U.S.C. 1324, 1481.

§ 300.0 Applicability.

The rules of conduct set forth in this part shall govern the conduct of parties and their representatives, and the relationships between the Members of the Board, Board employees, and all other persons in all Board matters, except as otherwise provided in this or any other Board regulation. For purposes of this part, the terms "Board employee(s)" shall refer to all persons employed by the Board, including Board Members, personal staff of Members, regular employees, special Government employees, consultants or experts under contract with the Board, and administrative law judges.

§ 300.1 Judicial standards of practice.

The Board is a quasi-judicial agency, and as such certain of its functions are similar to those of a court, and parties to cases before the Board and those who represent such parties are expected—in fact and in appearance—to conduct themselves with honor and dignity as they would before a court. By the same token, the Members of the Board and Board employees who may be making recommendations to the Board Members or advising them are expected to conduct themselves with the same fidelity to appropriate standards of propriety that characterize a court and its staff. The standing and effectiveness of the Board are in direct relation to the observance by the Board, Board employees, and the parties and attorneys appearing before the Board of the highest standards of judicial and professional ethics. The rules of conduct set forth in this part are to be interpreted in light of those standards.

§ 300.2 Prohibited communications.

(a) *Basic requirement.* Except as provided in paragraphs (c), (d), and (e) of this section, there shall be no substantive communication in either direction between any concerned Board employee and any person who is not a Board employee, concerning a public proceeding, until after final disposition of the proceeding, other than as provided by Federal statute or published Board rule or order.

(b) *Definitions.* For purposes of this part:

(1) A "substantive communication" is any written or oral statement that could influence a decision on any significant issue, of procedure or on the merits, in a public proceeding.

(2) A "concerned Board employee" is a Board employee who is or may reasonably be expected to be involved in the decisional process in a public proceeding.

(3) A "public proceeding" is one of the following:

(i) A proceeding for which a Federal statute requires a hearing, after the filing of the document initiating the proceeding, or a matter on which the Board has ordered a hearing at which an employee presides at the taking of evidence, after the issuance of the order. (Such a proceeding is referred to as a "hearing case," with any other proceeding sometimes referred to as a "nonhearing case.")

(ii) A rulemaking proceeding, after the issuance by the Board of a notice requesting public comment.

(iii) A tariff filing, after the Board has ordered an investigation or a complaint has been filed and docketed.

(iv) Any other proceeding initiated by a docket filing, after the filing in the docket of an identifiable written opposition to the initiating document.

(c) *General exceptions.* Paragraph (a) of this section shall not apply to the following:

(1) Informal communications between legal counsel, including discussions about stipulations and other communications considered proper in Federal court proceedings.

(2) Information given to a Board employee who is participating in a hearing case on behalf of a bureau or office that is a party, to another Board employee who is reviewing that work, or to his supervisors within that bureau or office.

(3) Communications made in the course of an investigation to determine whether formal enforcement action should be begun.

(4) Settlement discussions and mediation efforts.

(5) Information given at the request of a Board employee acting upon a specific direction of the Board, in a nonhearing case, where the Board has decided that emergency conditions exist and this rule would otherwise prevent the obtaining of needed information in a timely manner.

(6) Information given at the request of a Board employee in a tariff matter after a complaint is filed but before an investigation is ordered, or in a rulemaking proceeding.

(7) Nonhearing cases that are to be decided within 30 days after the filing of the initiating document.

(d) *Status and expedition requests.* Paragraph (a) of this section shall not apply to oral or written communications asking about the status, or requesting expeditious treatment, of a public proceeding. However, any request for expeditious treatment should be made in accordance with the Rules of Practice, particularly Rules 14 and 18, §§ 302.14 and 302.18 of this chapter.

(e) *National defense and foreign policy.* In nonhearing cases, paragraph (a) of this section shall not apply to communications concerning national defense or foreign policy matters, including international aviation matters. In hearing cases, any communications on those subjects to or from Board employees involved in intergovernmental negotiations that would be barred by paragraph (a) are permitted if the communicator's position with respect to those negotiations cannot otherwise be fairly presented, but those communications shall not be considered as part of the record on which decisions must be made.

(f) *Communications not considered.* A communication in violation of this section shall not be considered part of a record, or included as available material, for decision in any proceeding.

§ 300.3 Reporting of communications.

(a) *General.* The following types of substantive communication shall be re-

ported as specified in paragraph (b) of this section:

(1) Any communication in violation of § 300.2(a) of this chapter.

(2) Information given upon determination of an emergency under § 300.2 (c)(5) of this chapter.

(3) Information given at the request of a Board employee in a rulemaking or tariff matter under § 300.2(c)(6) of this chapter.

(4) Communications in nonhearing cases to be decided within 30 days under § 300.2(c)(7) of this chapter.

(b) *Public filing.*—(1) A written communication shall be put into the correspondence or other appropriate file of the proceeding, which shall be available for inspection and copying during business hours in the Docket Section or other appropriate office.

(2) An oral communication shall be summarized by the Board employee receiving it. One copy shall be put into a public file as described in paragraph (b)(1) of this section, and another copy shall be mailed to the communicator.

(3) In addition, copies of written communications and oral summaries shall be filed in chronological order in a "Part 300" file maintained in the Public Reference Room.

(c) *Status and expedition requests.* A Board Member who receives a communication asking about the status or requesting expeditious treatment of a public proceeding, other than a communication concerning national defense or foreign policy (including international aviation), shall either:

(1) Refer the communicator to the Office of the Managing Director or the Office of the General Counsel; or

(2) If the Member responds by advising on the status, put a memorandum describing the exchange in the public file as described in paragraph (b)(1) of this section.

§ 300.4 Separation of functions.

A Board employee who is participating in a hearing case on behalf of a bureau or office that is a party, another Board employee who is reviewing that work, or his supervisors within that bureau or office, shall have no substantive communication with any Board Member, administrative law judge in the case, or other Board employee advising them, with respect to that or any factually related hearing case.

§ 300.5 Prohibited conduct.

No person shall: (a) Attempt to influence the judgment of a Board employee by any unlawful means such as deception or the payment of money or other consideration; or

(b) Disrupt or interfere with the fair and orderly disposition of a Board proceeding.

§ 300.6 Practitioners' standards of conduct.

Every person representing a client in matters before the Board, in all contacts with Board employees, should:

(a) Strictly observe the standards of professional conduct;

(b) Refrain from statements or other actions designed to mislead the Board or to cause unwarranted delay;

(c) Avoid offensive or intemperate behavior;

(d) Advise all clients to avoid improprieties and to obey the law as the attorney believes it to be; and

(e) Terminate the professional relationship with any client who persists in improprieties in proceedings before the Board.

§ 300.7 Conciseness.

Every oral or written statement made in a Board proceding shall be a concise as possible. Verbose or redundant presentations may be rejected.

§ 300.8 Gifts and hospitality and other conduct affecting board employees.

(a) No person, otherwise than as provided by law for the proper discharge of official duty, shall directly or indirectly give, offer, or promise anything of value to any Board Member or Board employee for or because of any official act performed or to be performed by such Board Member or Board employee (18 U.S.C. 201).

(b) Subject to Part 370 of the Board's Special Regulations, it is improper for persons interested in the business of the Board to provide hospitality, gifts, entertainment, or favors to any Board Member or Board employee.

(c) Persons interested in the business of the Board should familiarize themselves with Part 370 of the Board's Special Regulations—Employee Responsibilities and Conduct (14 CFR Part 370), in order that they shall not encourage or cause any violation of the provisions of Part 370 by any Board Member or Board employee.

§ 300.9 Permanent disqualification of board members and employees in matters in which they personally participated before joining the board.

Any Board Member or any Board employee shall permanently disqualify himself from participation in every matter before the Board in which he previously personally and substantially participated for an interested person or entity, including other agencies of the U.S. Government, before joining the Board. Such disqualification shall be applicable also if a person closely related to the Board or Board employee as partner, associate, employer, or the like, personally and substantially participated in a matter before the Board prior to the Member's or employee's employment by the Board and the circumstances were such that the Board's Member's or employee's subsequent participation in the matter as a Board Member or employee could fairly be said to create the appearance that his participation would be affected by his prior relationship. Notwithstanding the foregoing, apart from a Member, the disqualification of any Board employee, including any member of a Board Member's personal staff or a special Government employee, whose prior personal and substantial participation in a Board proceeding or whose relationship to one who so participated occurred on behalf of another agency of the U.S. Government shall only be applicable with respect to issues on which the prior governmental employer took a position in the proceeding unless participation could fairly be said to create the appearance that his participation would be affected by his prior relationship.

§ 300.10 Temporary disqualification of board members and employees in matters in which they had official responsibility before joining the board.

Any Board Member and any Board employee shall temporarily disqualify himself from participation in any matter before the Board if he represented, was associated with or was employed by an interested person or entity including other agencies of the United States Government before joining the Board, and, although he did not personally and substantially participate in the matter, the matter was within his "official responsibility," as that term is defined in § 300.14 of this chapter except that the action referred to therein shall be private action as well as "Government" action. Such disqualification shall be applicable also if a person closely related to the Board employee as partner, associate, employer, or the like, who, while not personally and substantially participating in the matter, had it within his "official responsibility" as that term is defined in § 300.14 of this chapter, and modified above, and the circumstances are such that the Board employee's subsequent participation in the matter as a Board employee could fairly be said to create the appearance that his participation would be affected by his prior relationship. Notwithstanding the foregoing, apart from a Board Member, the disqualification of any Board employee whose prior "official responsibility" or relationship to one with such responsibility occurred on behalf of another agency of the United States Government shall only be applicable with respect to issues on which the prior governmental employer took a position in the proceeding. The temporary disqualification shall run for a period of one year from the date of the termination of the representation, association, or employment with the interested person or entity.

§ 300.11 Disqualification of Government officers and employees.

No officer or employee of the Federal Government, other than a "special government employee" as defined in 18 U.S.C. 202, shall represent anyone, otherwise than in the proper discharge of his official duties, in any Board proceeding or matter in which the United States is a party or has a direct and substantial interest. (18 U.S.C. 205.)

§ 300.12 Practice of special Government employees permitted.

A special Government employee, who qualifies as such under the provisions of 18 U.S.C. 202(a), may participate in Board proceedings only to the extent and in the manner specified in 18 U.S.C. 205.

§ 300.13 Permanent disqualification of former board members and employees in matters in which they personally participated.

No former Board Member or Board employee shall act as agent or attorney before the Board for anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise as a Board Member or employee. (18 U.S.C. 207(a).)

§ 300.14 Temporary disqualification of former board members and employees in matters formerly under their official responsibility.

Within one year after termination of employment with the Board, no former Board Member or Board employee shall appear personally before the Board on behalf of any person other than the United States in any Board proceeding or matter in which the United States is a party or has a direct and substantial interest and which was under his official responsibility at any time within one year preceding termination of such responsibility. The term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action (18 U.S.C. 202(b), 207(b)).

§ 300.15 Opinions or rulings by the General Counsel.

(a) The Board's General Counsel is authorized to render opinions or rulings to the public on the application of the provisions of this part. When written request is made for such opinions and rulings, they shall be transmitted to the Board and shall be available to the public in the Public Reference Room after any appeal to or review by the Board has been completed or after the time for review has expired. Identifying details shall normally be stricken from copies available to the public unless the public interest requires disclosure of such details. Absent review by the Board, any opinion or ruling of the General Counsel is not binding on the Board or any future General Counsel.

(b) If any person is disqualified from a particular proceeding under the provisions of §§ 300.9, 300.10, 300.13, 300.14, and 300.17 of this chapter by a ruling of the General Counsel, or by such person's own action, such disqualification shall be memorialized in a writing filed in the appropriate file of the matter by the General Counsel or such person.

(c) The Board may review any opinion or ruling of the General Counsel at its discretion within 25 days from the issuance of such opinion or ruling. Any person affected by an opinion or ruling may file an appeal to the Board within ten days after issuance of such opinion or ruling. Decisions of the Board on review or appeal shall be available to the public. Identifying details shall normally be stricken from copies available to the public unless the public interest requires disclosure of such details.

§ 300.16 Waivers.

(a) A former Board Member or Board employee with outstanding scientific or technological qualifications who is disqualified from acting in a representative capacity under the provisions of §§ 300.13 or 300.14 of this chapter may nevertheless participate in a proceeding in a scientific or technological field pursuant to the terms of a certificate issued in compliance with the proviso following 18 U.S.C. 207 (a) and (b).

(b) An employee who believes his prior employment relationships will not affect the integrity of his services may request that the prohibition of §§ 300.9 or 300.10 of this chapter be waived in accordance with the procedures set forth in § 370.735-14 of this chapter.

§ 300.17 Disqualification of partners of board members and employees.

No partner of a Board Member or of a Board employee shall act as agent or attorney for anyone other than the United States in any Board proceeding or matter in which such member or employee participates or has participated personally and substantially through decision, approval, disapproval, recommendation, rendering advice, investigation, or otherwise, or which is the subject of his official responsibility. (18 U.S.C. 207(c).)

§ 300.18 [Reserved]

§ 300.19 Use of confidential information.

No former Board Member or employee, or any person associated with him, shall ever use or undertake to use in any Board proceeding or matter any confidential facts or information which came into the possession of such Member or employee or to his attention by reason of his employment with the Board without first applying for and obtaining the consent of the Board for the use of such facts or information.

§ 300.20 Violations.

(a) The Board may disqualify, and deny temporarily or permanently the privilege of appearing or practicing before it in any way to, any person who is found by the Board after written notice of charges and hearing to have engaged in unethical or improper professional conduct. Any violation of this part shall be deemed to be such conduct.

(b) When appropriate in the public interest, the Board may deny any application or other request of a party in a proceeding subject to this part where the Board finds after hearing that such party has, in connection with any Board proceeding, violated any of the provisions of this part or any of the provisions of Chapter 11 of Title 18 of the United States Code. The Board may also condition its further consideration of such party's application or other request or the effectiveness of any order granting such application or other request upon such party's first taking such action as the Board may deem necessary or appropriate to remedy the violation of this part or Chapter 11 of Title 18 of the United States Code to prevent or deter any repetition of such violation. The Board may in addition issue a cease and desist order against any repetition of such or similar misconduct.

(c) The actions authorized by this section may take place within the framework of the matter during or concerning which the violations occur or in a separate matter, as the Board or the presiding administrative law judge may direct. A complaint alleging that a violation has occurred in the course of a matter shall be filed in the docket or appropriate public file of such matter unless such complaint is made after the Board's decision of the matter has become final, in which event such complaint may be filed pursuant to Part 302, Subpart B of the Rules of Practice. A violation in the course of a matter which may be attributable to or affect the fitness of a party will ordinarily either be disposed of within the framework of such matter or be considered within the context of any subsequent matter involving the interests of such party. Other violations will ordinarily be disposed of in a separate proceeding.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9810 Filed 3-31-77;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Income and Exclusions

EXCEPTION TO THE ONE-THIRD REDUCTION PROVISION AND INCOME EXCLUSIONS WHEN AN INDIVIDUAL IS AFFECTED BY A MAJOR DISASTER; INTERIM REGULATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the Interim Regulations set forth in tentative form below are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Sub part K of Part 416 Title 20 of the Code of Federal Regulations (20 CFR), which do not have major program significance, concern the treatment of Federal assistence received by supplemental security income applicants or recipients because of a catastrophe declared by the

President to be a major disaster for purposes of the Disaster Relief Act of 1974 (Pub. L. 93-288) or certain support and maintenance (e.g., room and board) received by supplemental security income applicants or recipients when forced from their own households because of such catastrophe. Interested parties will have 45 days after publication to submit their views and comments.

The purpose of these amendments to the regulations is to reflect the provisions of Sections 2 and 4 of Pub. L. 94-331 enacted June 30, 1976, and Section 2125 of Pub. L. 94-455 enacted October 4, 1976. Section 2 of Pub. L. 94-331, which adds Section 1612(b)(11) to the Social Security Act, excludes from income, for purposes of determining eligibility for and amount of supplemental security income benefits, assistance received under the Disaster Relief Act of 1974 or other assistance provided under a Federal statute on account of a catastrophe declared by the President to be a major disaster for purposes of the Disaster Relief Act of 1974. Section 4 of Pub. L. 94-331 and Section 2125 of Pub. L. 94-455, which amend Section 1612(a)(2)(A) of the Social Security Act, provide that any individual (and eligible spouse, if any) who ceases to reside in his own household because of a catastrophe declared by the President to be a major disaster, for purposes of the Disaster Relief Act of 1974, will not have his eligibility for supplemental security income benefits denied or the amount of such benefits reduced on account of any support and maintenance received while living in a residential facility, including the household of another person, if such individual begins living there within 30 days after the disaster occurred. Since under Section 4 of Pub. L. 94-331, the support and maintenance received from any source will not be considered as income, the proposed amendments provide that the one-third reduction provision for individuals living in another person's household, currently in Interim Regulations (see § 416.1125(b) at 40 FR 48937), will not apply until the last day of the seventeenth month after the month in which the individual (or individual and eligible spouse) begins to receive such support and maintenance. In accordance with Section 2 of Pub. L. 94-331, the proposed amendments provide that the assistance received pursuant to the Disaster Relief Act of 1974 or other assistance provided pursuant to Federal statutes on account of a catastrophe which is declared to be a major disaster by the President is not countable income. In accordance with the provisions of Sections 2 and 4 of Pub. L. 94-331, the proposed amendments are effective only with respect to major disasters which occur on or after June 1, 1976, and before December 31, 1976.

These amendments to the regulations are being published with interim effectiveness because they are substantive rules which grant exclusions of certain income effective only with respect to major disasters occurring on or after June 1, 1976, and before December 31, 1976, as required by Sections 2 and 4 of Pub. L. 94-331 and Section 2125 of Pub. L. 94-455. Thus, the Notice of Proposed Rule Making is being dispensed with because a delay in implementing these amendments would be impractical, unnecessary, and contrary to the public interest (5 U.S.C. 553(b)(3)(B)).

If there are any questions concerning these regulations, you may contact Henry D. Lerner, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7336.

Prior to final adoption of these proposed Interim Regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, by May 16, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The Interim Regulations are to be issued under the authority contained in Sections 1102, 1612, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1468 and 1475; 42 U.S.C. 1302, 1382a and 1383; Secs. 2 and 4 of Pub. L. 94-331, 90 Stat. 781 and 782, and Sec. 2125 of Pub. L. 94-455, 90 Stat. 1920.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 16, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1126 is added to read as follows:

§ 416.1126 Unearned income; individuals affected by a major disaster.

The reduction in the payment standard for living in the household of another (as defined in § 416.1125) will not apply in the case of an eligible individual (or eligible individual and eligible spouse) who receives support and maintenance while living in a residential facility (including a private household) maintained by another person, because of a catastrophe which is declared by the President of the United States to be a major disaster for purposes of the Disaster Relief Act of 1974, *Provided:*

(a) The individual (or eligible individual and eligible spouse) was residing in a household maintained by such individual (or by the individual and another person) as his (or their) own household at the time of the disaster;

(b) The disaster occurred on or after June 1, 1976, and before December 31, 1976, within the area in which such household was located;

(c) The individual (or eligible individual and eligible spouse) ceased living in his (or their) own household because of such catastrophe and, within 30 days after the catastrophe, began receiving support and maintenance (as defined in § 416.1125(a)) while living in a residential facility (or private home) maintained by another person; and

(d) The period for which support and maintenance is excluded from income begins no earlier than the month in which the individual (or eligible individual and eligible spouse) began receiving the support and maintenance and ends no later than the earlier of the following dates:

(1) The last day of the month in which the individual (or eligible individual and eligible spouse) ceased to receive such support and maintenance; or

(2) The last day of the seventeenth month following the month in which receipt of such support and maintenance began as described in paragraph (c) of this section.

2. Section 416.1145 is amended by adding paragraph (b)(4-a) to read as follows:

§ 416.1145 Exclusion from income; order of application.

* * * * *

(b) For the purpose of determining countable income in accordance with § 416.1115, the following income shall be excluded after income described in paragraph (a) of this section:

* * * * *

(4-a) Disaster relief assistance under the provisions of § 416.1156.

* * * * *

3. Section 416.1156 is added to read as follows:

§ 416.1156 Assistance received on account of major disaster.

Assistance received under the Disaster Relief Act of 1974 (P.L. 93-288) or other assistance provided under a Federal statute because of a catastrophe which occurred on or after June 1, 1976, and before December 31, 1976, and which is declared to be a major disaster by the President of the United States, shall not be considered in determining countable income under § 416.1115.

[FR Doc.77-9825 Filed 3-31-77;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

PART 581—PERSONNEL REVIEW BOARDS

Army Board for Correction of Military Records; Rules of Procedure

AGENCY: Department of the Army, Board for Correction of Military Records.

ACTION: Final Rule.

SUMMARY: (i) The rules of procedure governing the Army Board for Correction of Military Records, 32 CFR 581.3 are amended.

(ii) These changes are made in compliance with the Stipulation of Dismissal in the case of *Urban Law Institute, et al.* v. *Secretary of Defense, et al.*, U.S.D.C., D.C. Civil Action No. 76-0530, dated 31 January 1977.

(iii) These changes require the Correction Board to prepare a statement of grounds for denial in every case in which the complete relief requested is denied; to furnish such statement to applicant and counsel together with any staff advisory opinions considered by the Board, along with any dissenting opinions; the votes of Board Members to be furnished or made available upon request; all decisions of the Board and/or Secretary will be indexed; the indexed decisions of the Board, after deletion of identifying details of the applicant and other individuals, will be made available at a public reading room on the Concourse of the Pentagon Building.

EFFECTIVE DATE: The amended Rules are effective 1 April 1977 and will apply to all applications pending before the ABCMR on such date as well as to new appeals.

ADDRESS: Army Board for Correction of Military Records, Room 1E-517, The Pentagon, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT:

Raymond J. Williams, Executive Secretary, OX 7-4254.

Dated: March 28, 1977.

RAYMOND J. WILLIAMS,
Executive Secretary, Board for Correction of Military Records.

In consideration of the foregoing and for reasons given by authority of 10 U.S.C. 1552, the rules of procedures of the Army Board for Correction of Military Records, 32 CFR Part 581 is amended by revising §§ 581.3(c)(5)(iii); 581.3(f)(1)(i)(c); 581.3(f)(2) and (f)(3)(ii) and by adding new §§ 581.3(c)(5) (iv thru vi); 581.3(f)(3)(ii) (*a*) and (*b*) and 581.3(h)(4) as follows:

§ 581.3 Army Board for Correction of Military Records.

* * * * *

(c) * * *

(5) * * *

(iii) All requests for further consideration may be initially screened by the staff of the Board to determine whether any evidence or other matter (including, but not limited to, any factual allegations or any arguments why the relief should be granted) has been submitted by the applicant that was not in the record at the time of any prior Board consideration. If such evidence or other matter has been submitted, the request will be forwarded to the Board for a determination in accordance with this paragraph. If no such evidence or other matter has been submitted, the applicant will be informed that his/her request was not considered by the Board because it did not contain any evidence or other matter that was not in the record at the time of any previous Board consideration.

(iv) When an original application or a request for further consideration of a previously denied application is denied without a hearing, the Board's determination shall be made in writing and include a brief statement of the grounds for denial.

(v) The brief statement of the grounds for denial shall include the reasons for the determination that relief should not be granted, including the applicant's claims of constitutional, statutory and/or regulatory violations rejected, together with all essential facts upon which the denial is based, including, if applicable, factors required by regulation to be considered for determination of the character of and reasons for a discharge. Attached to the statement shall be any advisory staff opinions considered by the Board not fully set forth in the statement and any minority opinions. Counsel and applicant will be informed that the name and final vote of Board members will be furnished or made available upon request.

(vi) The brief statement of the grounds for denial, together with all attachments, shall be furnished promptly to applicant and counsel. Classified or privileged material contained in or attached to the statement of grounds for denial may be deleted only if a written statement of the basis for the deletion is provided the applicant and counsel.

* * * * *

(f) *Action on applications*—(1) *Actions by the Board*—

(i) * * *

(c) Following a hearing, the Board will make written findings, conclusions, and recommendations. The name and final vote of each Board member will be recorded. A majority vote of the members present on any matter before the Board will constitute the action of the Board and will be so recorded.

* * * * *

(2) *Action by Secretary of Army.* The record of proceedings of the Board, except in cases finalized by the Board under authority delegated in paragraph (f)(1)(v) of this section or those denied the Board without a hearing, will be forwarded to the Secretary of the Army who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary. If the Secretary's decision is to deny relief, such decision shall be in writing and, unless he expressly adopts in whole or in part the findings, conclusions and recommendation of the Board, shall include a brief statement of the grounds for denial. See paragraph (c)(5)(v) of this section.

(3) *Staff action.* (i) * * *

(ii) Upon receipt of the record of proceedings after final action by the Secretary of the Army, or by the Board acting under the authority contained in paragraph (f)(1)(v) of this section, the Board will communicate the decision to the applicant and counsel.

(*a*) If the recommendation of the Board was to deny relief or if the final decision of the Secretary or the Board was to deny relief, the following material will be made available to the applicant and counsel:

(*1*) a statement of the findings, conclusions and recommendations made by the Board;

(*2*) any advisory staff opinions considered by the Board or the reviewing authority;

(*3*) the name and final vote of each Board member;

(*4*) any minority reports; and

(*5*) any material prepared by the Secretary of the Army as required in paragraph (f)(2) of this section. To the extent that any of the above material consists of classified or otherwise priviledged matters, deletions may be made only if a written statement of the basis therefore is provided the applicant and counsel.

(*b*) If the final decision was other than to deny relief, the applicant and counsel are entitled, upon request, to receive a copy of the Board's findings, conclusions and recommendations.

* * * * *

(h) *Miscellaneous.* * * *

(4) *Index of Cases.* Documents sent to each applicant and counsel in accordance with paragraph (c)(5)(v) and (f)(3) of this section, together with the record of the votes of board members and all other statements of findings, conclusions and recommendations made on final determination of an application by the Board or the Secretary of the Army will be indexed and promptly made available for public inspection and copying at a reading room within the Washington, D.C. metropolitan area.

(i) The index prepared shall be in a usable and concise form so as to indicate the grounds for which the Board and/or Secretary granted or denied relief. This index shall be published quarterly and shall be distributed by sale or otherwise. In addition, it shall be available for inspection and distribution at the reading room in the Washington, D.C. area.

(ii) Deletions. To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from the documents made available for public inspection and copying. Names, addresses, social security numbers and military service numbers must be deleted. Deletions of other information which may result in a clearly unwarranted invasion of personal privacy or which is privileged or classified may be made only if a written statement of the basis for such deletion is made available for public inspection.

[FR Doc.77-9881 Filed 3-31-77;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 232—POSTAL LOSSES AND OFFENSES

Conduct With Regard to Meetings of the Board of Governors

AGENCY: United States Postal Service.

ACTION: Final Rule.

SUMMARY: This notice announces the amendment of Postal Service regulations to establish rules of conduct with regard to meetings of the Board of Governors of the Postal Service. Opening meetings of the Board to public observation under the Government in the Sunshine Act makes it necessary to establish rules governing decorum at Board meetings, as well as penalties for persons who violate those rules.

DATES: Effective date: April 1, 1977.

ADDRESSES: Secretary of the Board of Governors, U.S. Postal Service, Room 9150, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

James French, (202) 245-4601.

SUPPLEMENTAL INFORMATION: On February 23, 1977, the Postal Service published for public comment in the FEDERAL REGISTER (42 FR 10699) a notice of proposed rulemaking adding a new paragraph (n) to 39 CFR 232.6 which would specifically prohibit certain types of conduct with regard to meetings of the Postal Service Board of Governors. Members of the public were invited to submit comments concerning the proposed regulation.

Subsequent to publication of this proposed rule, the Postal Service reconsidered the matter of electronic recording by the public during Board meetings and concluded that it was unnecessary and impracticable to forbid members of the public to record or photograph portions of meetings of the Board which are open to public observation. Accordingly, paragraph (n) (1) was revised to permit members of the public to record or photograph meetings as long as that action does not impede or disturb the Board or individuals attending a meeting. The one comment from the public also suggested this amendment.

In view of the considerations discussed, the Postal Service hereby adopts, as amended, the following amendment to title 39, Code of Federal Regulations, effective April 1, 1977:

In 39 CFR 232.6, redesignate paragraphs (n) and (o) as "o" and "(p)" respectively, and insert new paragraph (n) as follows:

§ 232.6 Conduct on postal property.

* * * * *

(n) *Conduct with regard to meetings of the Board of Governors.* (1) Without the permission of the chairman no person may participate in, film, televise, or broadcast any portion of any meeting of the Board or any subdivision or committee of the Board. Any person may electronically record or photograph a meeting, as long as that action does not tend to impede or disturb the members of the Board in the performance of their duties, or members of the public while attempting to attend or observe a meeting.

(2) Disorderly conduct, or conduct which creates loud or unusual noise, obstructs the ordinary use of entrances, foyers, corridors, offices, meeting rooms, elevators, stairways, or parking lots, or otherwise tends to impede or disturb the members of the Board in the performance of their duties, or members of the public while attempting to attend or observe a meeting of the Board or of any subdivision, or committee of the Board, is prohibited.

(3) Any person who violates paragraph (n) (1) or (2) of this section may, in addition to being subject to the penalties prescribed in paragraph (o) of this section, be removed from and barred from reentering postal property during the meeting with respect to which the violation occurred.

(4) A copy of the rules of this section governing conduct on postal property, including the rules of this paragraph appropriately highlighted, shall be posted in prominent locations at the public entrances to postal property and outside the meeting room at any meeting of the Board of Governors or of any subdivision or committee of the Board.

* * * * *

(39 U.S.C. 401; 40 U.S.C. 318, 318a, 318b, 318c.)

LOUIS A. COX,
General Counsel.

[FR Doc.77-9751 Filed 3-31-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[OPP-260026; FRL 707-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Update and Editorial Amendments

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking document changes the title of a section heading and editorially revises a current regulation.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Jan D. Wine, Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460 (202/755-4854).

SUPPLEMENTARY INFORMATION: As announced on October 27, 1976 (41 FR 47076), the EPA is reformatting the pesticide tolerance regulations contained in 40 CFR Part 180. The current narrative paragraphs are being put into alphabetized columar listings for the purpose of providing orderly development of and/or amendments to the regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected parties with regulations that are easier to read. In addition to editorial revisions, certain sections are being amended by substituting acceptable common names for antiquated and unacceptable pesticide chemical names where appropriate, and the regulations are being updated and corrected where necessary.

Section 180.328 is being amended at this time. The chemical name used in the section title and the body of the regulation is being revised to reflect the most universally acceptable name (i.e., formerly (2-*a*-Haphthoxy)-*N,N*-diethylpropionamide, now, N,N-Diethyl-2-(1-naphthalenyloxy) propionamide). The safety of the negligible residues in the current regulation has been demonstrated in 90-day dog and rat feeding studies. Since the current tolerances are not supported by long-term data, the negligible residue designators cannot be removed at this time.

Since these changes are nonsubstantive in nature and merely reflect the corrected and updated record, notice and public rulemaking procedures pursuant to the Administrative Procedure Act [5 U.S.C. 553(b) (B)] are not prerequisite to the promulgation of this regulation. Therefore, effective on April 1, 1977, 40 CFR 180.328 is amended by revising the section in its entirety to read as set forth below.

Dated: March 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 180.328 N,N - Diethyl-2-(1-naphthalenyloxy)-propionamide; tolerances for residues.

Tolerances are established for negligible residues (N) of the herbicide N,N-Diethyl-2-(1-naphthalenyloxy) propionamide in or on the following raw agricultural commodities:

Commodity:	Parts per million
Almonds, hulls	0.1 (N)
Figs	0.1 (N)
Fruits, citrus	0.1 (N)
Fruits, pome	0.1 (N)
Fruits, small	0.1 (N)
Fruits, stone	0.1 (N)
Nuts	0.1 (N)
Vegetables, fruiting	0.1 (N)

* * * * *

[FR Doc.77-9683 Filed 3-31-77;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 707-4]

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Specialized Definitions; Suspension

On Tuesday, November 23, 1976, regulations were published in the FEDERAL REGISTER establishing interim final specialized definitions for the Inorganic Chemicals Manufacturing Point Source

Category (41 FR 51598). These regulations were published in partial response to a remand of certain of the regulations applicable to the Category in *DuPont* v. *Train*, 541 F. 2d 1018 (4th Cir. 1976); aff'd in part, rev'd in part, *DuPont* v. *Train*, — U.S. —, No. 75-978 (February 23, 1977).

The specialized definitions promulgated by the Agency were to be applicable to the 11 subcategories remanded by the Court. However, EPA has not completed its review of technical and other material necessary to promulgate revised effluent limitations for those subcategories. Accordingly, commenters have recommended that EPA not make the specialized definitions effective until effluent limitations can be promulgated along with them. In that way, the definitions can be evaluated in the context of the substantive regulations to which they pertain. Several commenters have filed a petition for review of the definitions in the United States Court of Appeals for the Fourth Circuit. *DuPont, et al.* v. *Quarles*, No. 77-1206.

EPA agrees with these commenters. The Agency will proceed as quickly as practicable to gather the information necessary to promulgate revised regulations for the remanded subcategories. Until such promulgation, however, the specialized definitions should be suspended.

In consideration of the foregoing, 40 CFR Part 415 is hereby amended as set forth below.

Date: March 24, 1977.

DOUGLAS M. COSTLE,
Administrator.

Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory

§ 415.61 [Amended]

1. In § 415.61, paragraphs (e), (f), (g), and (h) are suspended.

Subpart G—Hydrochloric Acid Production Subcategory

§ 415.71 [Amended]

2. In § 415.71 paragraphs (b), (c), (d), and (e) are suspended.

Subpart H—Hydrofluoric Acid Production Subcategory

§ 415.81 [Amended]

3. In § 415.81, paragraphs (b), (c), (d), and (e) are suspended.

Subpart I—Hydrogen Peroxide Production Subcategory

§ 415.91 [Amended]

4. In § 415.91, paragraphs (d), (e), (f), and (g) are suspended.

Subpart J—Nitric Acid Production Subcategory

§ 415.101 [Amended]

5. In § 415.101, paragraphs (b), (c), (d), and (e) are suspended.

Subpart O—Sodium Carbonate Production Subcategory

§ 415.151 [Amended]

6. In § 415.151, paragraphs (c), (d), (e), and (f) are suspended.

Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory

§ 415.171 [Amended]

7. In § 415.171, paragraphs (e), (f), (g), and (h) are suspended.

Subpart R—Sodium Metal Production Subcategory

§ 415.18 [Amended]

8. In § 415.181, paragraphs (c), (d), (e), and (f) are suspended.

Subpart S—Sodium Silicate Production Subcategory

§ 415.191 [Amended]

9. In § 415.191, paragraphs (c), (d), (e), and (f) are suspended.

Subpart U—Sulfuric Acid Production Subcategory

§ 415.211 [Amended]

10. In § 415.211, paragraphs (b), (c), (d), and (e) are suspended.

Subpart V—Titanium Dioxide Production Subcategory

§ 415.221 [Amended]

11. In § 415.221, paragraphs (d), (e), (f), and (g) are suspended.

[FR Doc.77-9684 Filed 3-31-77;8:45 am]

[FRL 708-1]

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Extension of Comment Period and Notice of Availability

On December 15, 1976 the Environmental Protection Agency published a notice of interim final rulemaking (41 FR 54850) establishing pretreatment standards for existing sources for the nonferrous metals manufacturing point source category, based upon use of best practicable pretreatment technology. The due date for comments provided in the notice was February 14, 1977.

The Agency anticipated that the documents entitled "Supplemental for Pretreatment to the Development Document for the Secondary Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category," and "Supplemental for Pretreatment to the Development Document for the Secondary Copper Segment of the Nonferrous Metals Manufacturing Point Source Category," which contain information on the analysis undertaken in support of the regulation would be available to the public throughout the comment period. Production difficulties delayed the availability of these documents. Copies of the documents are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to May 31, 1977.

Dated: March 22, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-9833 Filed 3-31-77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Vocational Education Research; Additional Criteria

On November 30, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER at 41 FR 52540-52543 which set forth additional criteria for the selection of applicants for fiscal year 1977 under Part C of the Vocational Education Act, as amended, 20 U.S.C. 1231(a). The additional criteria were set forth in a revision of Appendix B to Part 103. The General Provisions Regulations (45 CFR Part 100a), published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and effective December 6, 1973, are also applicable to these grants.

Interested persons were given 45 days after November 30, 1976 to submit comments, suggestions, or objections to the proposed criteria. One letter was received during the 45 day comment period.

COMMENT

The commenter suggested inclusion of specific statements into each of the eight proposed priority areas regarding the concern for girls and women, and sex-bias and sex-role stereotyping. Also, the commenter suggested that signed assurances of compliance should be required under Titles VI and IX of the Department of Health, Education, and Welfare regulations.

RESPONSE

No change is made regarding the recommendation that additional specific phrases relating to girls and women and elimination of sex-bias and sex-role stereotyping be added to each of the eight proposed priority areas for the following reasons. First, one of the eight priority areas is concerned directly with sex-bias and sex-role stereotyping. Second, the proposed regulations indicate that applications in each of the eight priority areas must effectively demonstrate plans to eliminate sex-bias in all aspects of the proposed work. Third, the application Review Criteria include a weighted criterion which is concerned with sex-bias and sex-role stereotyping. Fourth, each proposed priority area contained a statement indicating that the specific topics listed under each priority area were only examples of the type of activities that might be addressed by

applicants; an applicant has the prerogative of proposing projects that are concerned with reducing sex-bias and sex-role stereotyping within each of the proposed priority areas. Consequently, it would be redundant to incorporate such statements into each of the eight proposed priority areas. The application package for the Vocational Education Research Program contains an assurance form which must be completed by each applicant under the regulations of Title VI of the Civil Rights Act of 1964. However, the Department of Health, Education, and Welfare did not have the assurance of compliance forms available for Title IX at the time that the Vocational Education Research program application package was approved by the Office of Management and Budget. While all applicants will not be asked to sign the Title IX form, successful applicants will be required to sign the Title IX form as part of the negotiation of award process.

For further information, contact Dr. Glenn C. Boerrigter, Bureau of Occupational and Adult Education, Division of Research and Demonstration, Room 5018, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202 (202-245-2467).

EFFECTIVE DATE

Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.498; Vocational Education Research.)

Dated: February 17, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.
Secretary of Health, Education, and Welfare.

APPENDIX B—RESEARCH PROJECTS IN VOCATIONAL EDUCATION ADDITIONAL CRITERIA FOR THE FISCAL YEAR 1977

In awarding grants in fiscal year 1977 from funds available under section 131(a) of Part C of the Vocational Education Act, the Commissioner of Education will give consideration to applications concerned with the substance of vocational education as defined in the Act which rank high on the basis of the criteria in 45 CFR 100a.26(a), with priority consideration to those applications which propose research, development, and dissemination projects in the priorities described below.

Each priority area is considered of equal importance irrespective of its place in the following list. The Commissioner of Education may give consideration to projects of national, regional, or interstate significance in the following priority areas.

The Commissioner of Education is interested in disseminating the results of projects that show effectiveness after being rigorously conducted and tested in controlled settings. Applications should include a plan for wide dissemination of proposed project results, products or outcomes. Provisions should be made for effective dissemination of the results, products, and outcomes during the proposed project duration.

In those instances where the results, products, or outcomes cannot be disseminated during the life of the proposed project, the project results, products, and outcomes should be prepared in a format that is conducive to wide dissemination. This format should include data regarding the validity and reliability of the results, products or outcomes.

Applications in each of the following eight priority areas must effectively demonstrate plants to eliminate sex bias in all aspects of the proposed work.

(a) *Equal access and opportunities.* Equal access and opportunity in vocational education should be provided for all youth and adults who have a need or desire for such education. Strategies and programs that facilitate equal access and opportunity need to be developed or improved and barriers which retard equal access and opportunity.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products or outcomes of the projects. Equal access and opportunities for vocational education is especially important for persons of limited English speaking ability, the disadvantaged, the handicapped, and minority populations in rural and urban areas. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing strategies, or design, develop, and test new strategies for increasing equal access and opportunities for students seeking vocational education programs, and

(2) Identify, describe, and evaluate existing strategies, or design, develop, and test new strategies both within and outside of educational institutions that will attract groups that have not previously sought vocational education opportunities.

(b) *Sex role stereotyping and sex bias.* Continuing inequities, public concern, and national legislation have emphasized the need to eliminate sex role stereotyping and sex bias in vocational education at the secondary, postsecondary and adult education levels. Strategies and programs that facilitate the elimination of sex role stereotyping and sex bias in vocational education need to be developed or improved, and a better understanding of the barriers and constraints which retard the elimination of sex role stereotyping and sex bias in vocational education is needed.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing elements of vocational education programs and their related services that facilitate the elimination of sex role stereotping and sex bias in these programs.

(2) Identify, describe, and evaluate existing instruments or design, develop, and test new instruments that can be used by teachers in identifying sex bias and sex role stereotyping in curriculum and instructional materials, and

(3) Identify, describe, and evaluate existing strategies, or design, develop, and test new strategies that facilitate the reentry of persons, especially women, into vocational education programs.

(c) *Education and work programs.* Education and work programs are being more widely utilized across the nation to facilitate the transition of learners to the world of work. Those who are designing, developing and installing education and work programs need more information, options, and tested strategies in order to better utilize and coordinate the resources of business, labor, industry, education, and government.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing education and work programs, or design, develop, and test new education and work programs,

(2) Identify, describe, and analyze the barriers to student observation of occupations that are included as hazardous occupations under the Child Labor provisions of the Fair Labor Standards Act in existing education and work programs, or design, develop, and test new strategies for students 14-18 years of age to observe these hazardous occupations in education and work programs.

(3) Identify and describe the skill and knowledge requirements for coordinators of non-paid education and work programs, and design, develop, and test preservice and in-service training materials for use in training the coordinators for these programs, and

(4) Identify, describe, and evaluate the assumptions and benefits of education and work programs to the sectors that are involved in these programs.

(d) *Adult and postsecondary vocational education.* Adult and postsecondary vocational education programs have been increasing in size and scope. There is need to improve these programs and to better serve the vocational needs of adults.

The Commissioner of Education is interested in supporting applied projects that document the effectiveness of the results, products or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing competency based vocational training materials for adults in occupational areas where there is significant labor demand, or develop and test new training materials that are competency based, intensive, and of short duration,

(2) Identify, describe, and evaluate existing vocational education programs that are coordinated with the adult performance level competency based approach, or develop and test new vocational education programs that utilize the adult performance level competency based approach,

(3) Identify, describe, and evaluate existing vocational education programs that are designed to help under educated adults who desire mid-career occupational changes, or develop and test new programs that are designed to help under educated adults with mid-career occupational changes,

(4) Identify, describe, and evaluate existing methods of linking vocational education at the post-secondary level with CETA programs, business, industry, labor, and adult education, or develop and test new vocational education programs that link voca-

tional education at the post-secondary level with CETA programs, business, industry, labor, and adult education programs, and

(5) Identify, describe, and evaluate existing curriculums concerned with environmental quality and energy conservation, or develop new competency based curriculum and instructional materials for use in post-secondary vocational and education programs that are concerned with environmental quality and energy conservation.

(e) *Curriculum management and instructional materials.* Curriculum management and instructional materials are an especially important component of vocational education. A better understanding of curriculum management, the use of instructional materials, and methods of developing instructional materials is needed.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing methods of utilizing teacher and other professional input into the planning, development, and testing of curriculum and instructional materials, or develop and test new strategies for utilizing teacher and other professional inputs into planning, developing, and testing curriculum and instructional materials,

(2) Identify, describe, and evaluate existing methods of teacher selection of instructional materials or develop and test new methods of teacher selection of instructional materials,

(3) Identify, describe, and evaluate existing standards for developing curriculum and instructional materials or design, develop, and test new standards for developing quality curriculum and instructional materials,

(4) Identify, describe, and evaluate existing strategies for developing and testing curriculum and instructional materials on a cost effective basis, or design, develop and test new strategies for developing and testing curriculum and instructional materials on a cost effective basis, and

(5) Identify, describe, and evaluate existing curriculum management practices at the State and local levels, or design, develop, and test new curriculum management practices at the State and local levels.

(f) *Personnel development for vocational education.* While there is a surplus of educational personnel in the nation, vocational education continues to have shortages of trained personnel in many occupational areas. Strategies are needed to improve the competencies and increase the numbers of available vocational education teachers.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing strategies for recruiting, selecting, and training non-vocational teachers in occupational areas where teacher shortages exist, or design, develop and test new strategies for recruiting, selecting and training non-vocational teachers for occupational areas where teacher shortages exist,

(2) Identify, describe, and evaluate existing strategies for recruiting, selecting, and training vocational education teachers from occupational areas where a surplus of teachers exists for occupational areas where teachers shortages exist, or design, develop, and test new strategies for recruiting, selecting and training such teachers,

(3) Identify, describe, and evaluate existing instruments that measure the effectiveness of preservice field experiences for vocational teachers at the secondary or postsecondary levels, or design, develop and test new instruments for measuring the effectiveness of preservice education field experience for vocational teachers at the secondary or post-secondary levels, and

(4) Identify, describe, and evaluate existing preservice vocational teacher education and training programs in terms of teacher needs in contrast to the training being received, or design, develop, and test new preservice teacher training programs that meet current teacher needs.

(g) *Comprehensive systems of guidance, counseling, placement, and follow-through.* Comprehensive systems of guidance, counseling, placement, and follow-through, are needed to meet career development, vocational education and employment needs of students, out-of-school youth, and adults. Further refinements, development, and evaluation are needed to improve comprehensive systems of guidance, counseling, placement, and follow-through services for vocational education.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products, or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing community based, guidance, counseling, placement, and follow-through centers that augment existing guidance, counseling, placement, and follow-through services in vocational programs at the secondary and postsecondary levels, or design, develop, and test the educational specifications for community based guidance, counseling, placement, and follow-through centers that provide services to out-of-school youth and adults as a means of augmenting existing school based services. The design and specification should include staff qualifications, center operations, numbers to be served, assumptions for such centers, coordination and utilization of community resources, and projected cost for both developing and operating such centers,

(2) Identify, describe, and evaluate existing methods and models for upgrading on a continuous basis the required knowledge and competencies of those who particiate in the conceptualization, planning, implementation, conduct, and evaluation of comprehensive systems of guidance, counseling, placement, and follow-through activities, or develop and test new methods and models for upgrading on a continuous basis the required knowledge and competencies of those who participate in the conceptualization, planning, implementation, conduct, and evaluation of comprehensive systems of guidance, counseling, placement and follow-through activities. The models should include relationships to differentiated staff utilization and certification standards.

(3) Identify, describe, and evaluate existing standards, criteria, procedures, and instruments for evaluating the effectiveness of comprehensive systems of guidance, counseling, placement and follow-through, or develop and test new standards, criteria, procedures, and instruments for evaluating the effectiveness of comprehensive systems of guidance, counseling, placement and follow-through, and

(4) Identify, describe, and evaluate existing State and local planning models for comprehensive systems of guidance, counseling, placement, and follow-through which foster their inclusion and implementation in broad plans for elementary, secondary, post-secondary, and adult levels, or develop and test new State and local planning models for comprehensive systems of guidance, counseling, placement and follow-through services.

(h) *Administration of vocational education at the State and local levels.* Administrators of vocational education at the State and local levels are confronted with increasingly complex issues. There is a need to improve preservice and inservice training for these administrators and to develop better administrative tools for their use.

The Commissioner of Education is interested in supporting applied studies and development projects that document the effectiveness of the results, products or outcomes of the projects. The items listed below are examples of activities that may be addressed by applicants.

(1) Identify, describe, and evaluate existing inservice or preservice training programs that are designed to improve the administrative competencies for those persons who use management information systems for decision making, policy analyses, and planning purposes.

(2) Identify, describe, and evaluate existing inservice or preservice training programs that are designed to improve the competencies of administrators to work more effectively with the vocational needs of members of minority groups, females, persons in correctional systems, and persons of limited English speaking ability, or develop and test new inservice and preservice training programs that are competency oriented and are designed to improve the administrators' skills in working more effectively with the vocational needs of members of minority groups, females, persons in correctional institutions, and persons with limited English speaking ability, and

(3) Identify, describe and evaluate existing needs assessment instruments and procedures for use by State or local vocational education administrators, or design, develop, and test new needs assessment instruments and procedures for use by State or local vocational education administrators.

APPLICATION REVIEW CRITERIA

The following criteria will be utilized in reviewing formally transmitted applications. These criteria are consistent with § 100a.26, review of Applications, in the Office of Education General Provisions for Programs, published in the FEDERAL REGISTER on November 6, 1973. A segment or segments of an application should address each criterion. Each criterion is weighted and includes the maximum score that can be given to an application in relation to the criterion. The maximum score for the criteria total 100 points and the maximum weight for each criterion is listed below.

Applications that receive less than 40 points will not be funded. Applications that do not address the previously described priority areas are eligible for consideration in this competition, if the substance of the application is within the definition of the Vocational Education Act of 1963, as amended.

1. *Priority area.* (Maximum 10 points)

The application is adequately focused on the need of the priority area as announced in the FEDERAL REGISTER and the application further delineates the priority area or component of a priority area.

2. *Literature review.* (Maximum 6 points)

The literature review is sufficiently comprehensive to:

(a) Establish the basis for the problem;

(b) Describe the problem in contrast to the symptoms of the problem;

(c) Provide a strong conceptual framework for the proposed objectives and proposed plan, including the general design and specific procedures of the proposed plan, along

with the management, evaluation, dissemination, and training procedures (when appropriate); and

(d) Describe what has been done previously to alleviate the problem and point out the gaps that will be alleviated by this specific proposed work.

3. *Need and problem.* (Maximum 10 points)

The need and problem section follows the literature review and clearly:

(a) Describes the need in vocational education for the proposed project;

(b) Provides specific evidence of the need;

(c) Indicates specifically who or what will be helped;

(d) Describes the problem rather than symptoms of the problem; and

(e) Describes, where appropriate, ongoing and planned activities in the community relative to the need and problem.

4. *Objectives.* (Maximum 5 points)

The objectives flow from the description of the problem and are:

(a) Significant for vocational education;

(b) Clearly describe proposed project outcomes;

(c) Capable of being attained; and

(d) Measurable.

5. *Plan.* (Maximum 20 points)

The plan clearly describes how the objectives will be accomplished by:

(a) The overall design for the proposed project;

(b) The specific procedures of each segment of the design in terms of how each objective will be undertaken and accomplished. Normally, the plan will include:

(1) Precise definition of terms;

(2) Description of the characteristics and number of subjects;

(3) Sampling procedures and control groups;

(4) Instrumentation; and

(5) Statistical and analytical procedures.

6. *Management plan.* (Maximum 8 points)

The management plan adequately describes how and when personnel and resources will be utilized to accomplish each objective, the overall design, and each major procedure.

7. *Evaluation plan.* (Maximum 10 points)

The plan includes valid instruments and rigorous procedures for assessing and documenting the impact of project results and end products or outcomes in terms of the achievement of project goals and objectives.

8. *Results, end products, outcomes and dissemination.* (Maximum 10 points)

The application clearly describes:

(a) What will be delivered to the government;

(b) The format in which the results, products, or outcomes will be delivered to the government;

(c) The format in which results, products, or outcomes will be developed or provided for transportability purposes to specified user populations, and

(d) The procedures for the dissemination of the results, end products or outcomes at the local, State, and/or National levels.

9. *Applicant's staff competencies and experience.* (Maximum 8 points)

The application clearly describes:

(a) The name and qualification (including project management qualifications) of the project director, key professional staff, advisory groups, and any consultants;

(b) Time commitments planned for the project by the project director, key staff, advisory groups, and any consultants.

(c) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects.

(d) The competencies that are required for the proposed project;

(e) Evidence that the proposed project director was instrumental in preparing the application; and

(f) Evidence of commitment to employment opportunities under Title IX of the Education Amendments of 1972.

10. *Budget and cost-effectiveness.* (Maximum 4 points)

The application provides a justifiable and itemized statement of cost which is substantiated by line items in the proposed budget and appears to be cost-effective with respect to proposed results, products, or outcomes.

11. *Institutional capability and commitment.* (Maximum 4 points)

The application provides adequate evidence of:

(a) Institutional experience and commitment to the proposed work:

(b) Provides appropriate facilities and equipment; and

(c) Provides documented assurance of support from cooperating agencies, local educational agencies or postsecondary institutions, business, industry and labor. If these are necessary for successful implementation of the project.

12. *Sex bias and sex role stereotyping.* (Maximum 5 points)

The application provides appropriate plans to eliminate sex bias and sex role stereotyping in the:

(a) Proposed plans;

(b) Proposed management plan; and

(c) Proposed results, end products, outcomes, and dissemination.

The criteria listed in this section shall be the only criteria that the Commissioner, the Commissioner's staff, or any other Federal or non-Federal reviewer may utilize in reviewing applications with the exceptions noted below. In addition to the criteria listed above, the U.S. Commissioner of Education and his staff may utilize the following criteria in making decisions regarding whether or not to fund officially transmitted applications. These criteria are not weighed since they are part of administrative decisions that may have to be utilized in exceptional instances in the administration of discretionary grant programs. These criteria are listed below:

1. Duplication of effort.

2. Duplication of funding.

3. Evidence that an applicant has not performed satisfactorily in previous years.

4. Cost sharing is required by all applicants.

5. State board approval is required for applications from local educational agencies.

6. Application has been sent to the State director of vocational education.

7. Signed assurance of compliance with the Department of Health, Education, and Welfare regulation under Title VI, and

8. Signed protection of Human Subject Certification Form Number HEW 596.

[FR Doc.77-9816 Filed 3-31-77;8:45 am]

CHAPTER VI—NATIONAL SCIENCE FOUNDATION

PART 614—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS OF THE NATIONAL SCIENCE BOARD

Correction

In FR Doc. 77-7783 appearing at page 14719 in the issue for Wednesday, March 16, 1977, in § 614.4 on page 14720, the second paragraph should have been designated "(b)".

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1050—UNIFORM FEDERAL STANDARDS

NOTE.—On January 17, 1977 (42 FR 3272), CSA published in the FEDERAL REGISTER interim regulations implementing eleven of the fifteen Uniform Federal Standards promulgated by OMB Circular A-110 and by FMC 74-7. The final text of these eleven standards, which become effective April 1, 1977, was filed with the Office of the Federal Register on March 30, 1977, and will be published as Part III in the FEDERAL REGISTER on Monday, April 4, 1977.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1241; Amdt No. 2]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks Formerly Operated by South Omaha Terminal Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of March, 1977.

Upon further consideration of Service Order No. 1241 (41 FR 17394 and 43723), and good cause appearing therefor:

It is ordered, That: § 1033.1241 *Chicago and North Western Transportation Company authorized to operate over tracks formerly operated by South Omaha Terminal Railway,* Service Order No. 1241 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1241 Service Order No. 1241.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., September 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., March 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9783 Filed 3-31-77;8:45 am]

[Service Order No. 1211; Amdt No. 4]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Ashley, Drew & Northern Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of March, 1977.

Upon further consideration of Service Order No. 1211 (40 FR 14765, 45440; 41 FR 13592 and 43723); and good cause appearing therefor:

It is ordered, That: § 1033.1211 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Ashley, Drew & Northern Railway Company, Service Order No. 1211 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1211 Service Order No. 1211.

* * * * *

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., March 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9784 Filed 3-31-77;8:45 am]

Service Order No. 1202; Amdt. No. 5]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Company Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of March, 1977.

Upon further consideration of Service Order No. 1202 (39 FR 40765; 40 FR 14318, 43914; 41 FR 13926 and 43723); and good cause appearing therefor:

It is ordered, That: § 1033.1202 Missouri-Kansas-Texas Railroad Company Authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company, Service Order No. 1202 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1202 Service Order No. 1202.

* * * * *

(d) Expiration date: The provisions of this order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., March 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael. Member Lewis R. Teeple not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9785 Filed 3-31-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER

SUBCHAPTER A—GENERAL RULES

[Docket No. RM 77-15; Order No. 564]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

PART 3c—STANDARDS OF CONDUCT

Miscellaneous Amendments; Establishment by Transfer

MARCH 30, 1977.

By this order, the Commission amends its rules to revise, add or delete certain sections concerned with its organization and operation, and to establish a new part concerning standards of conduct previously issued and currently in effect. These actions are taken under authority granted through sections 2 and 309 of the Federal Power Act and section 16 of the Natural Gas Act.

This order is issued as an omnibus rulemaking in order to reflect changes in, and clarify, the Commission's organization, locations, delegations of authority, information and submittal procedures, and methods of operation. Many of the changes in organization and office locations have occurred over a period of years. Revisions to the delegations of authority and general course and methods of operation reflect current practices which are not stated as such in the Commission's rules. In clarifying information and submittal procedures, provisions previously fragmented among several sections have been consolidated into a single, new section.

The Commission's standards of conduct previously were included in Part 3 of its rules. Part 3 was established to carry out the provisions of section 552 of the Administrative Procedure Act (5 U.S.C. 552), under which agencies are required to publish a description of their organization and a statement of the general course and method by which their functions are carried out. Over time, standards of conduct were added to Part 3. In order to restore Part 3 to its original purpose, and at the same time to increase the separate emphasis on standards of conduct, a new part is established for the latter by transferring the relevant provisions from Part 3 to Part 3c.

The Commission finds. (1) The amendments prescribed herein concern rules of agency organization, procedure or practice which do not require notice of hearing under 5 U.S.C. 553.

(2) In view of the purpose, intent and effect of the amendments ordered here-

in, good cause exists for making them effective upon issuance of this order, and compliance with the effective date provisions of 5 U.S.C. 553 is not required.

(3) It is necessary and appropriate, and in the public interest in administering the Federal Power Act and the Natural Gas Act to adopt the amendments set forth in this order.

The Commission, acting under the provisions of the Federal Power Act, as amended, particularly sections 2 and 309 (41 Stat. 1063; 46 Stat. 798; 49 Stat. 847, 858-859; 63 Stat. 972; 16 U.S.C. 793, 825h), and the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), orders:

(A) The Title to Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as set forth above.

(B) Section 3.3 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 3.3 Objectives.

The Commission originally was established to license non-Federal hydroelectric power projects. Through subsequent legislation, the Commission's authority has been expanded to include the regulation of electric power and natural gas in interstate commerce, the review of plans for Federal projects affecting electric power, and the approval of rates for the sale of surplus electric energy from certain Government projects.

(C) Section 3.4 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.4 Organization.

The Commission consists of the five-member Commission, the Chairman, the Executive Director, and the technical and administrative staff.

(a) The Commission. The members of the Commission are appointed by the President to five year terms, by and with the consent of the Senate. The Chairman is designated by the President, and a vice chairman is elected annually by the members of the Commission. Except as noted in paragraph (b) of this section, the Commission is responsible for all plans, programs and actions of the agency. Any three members of the Commission constitute a quorum for the transaction of business.

(b) The Chairman. The Chairman is the chief executive officer of the agency, and is responsible for the conduct of all executive and administrative functions except those reserved to the Commission under Reorganization Plan No. 9 of 1950 (64 Stat. 1265) (3 CFR, 1949-1953 Comp., p. 1005).

(c) Executive Director. The Executive Director is responsible for the performance of executive and administrative functions delegated by the Chairman, and regulatory functions directed by the Commission.

(d) The Staff. The Commission staff consists of the following bureaus and offices. The organization and responsibilities of each are summarized herein, and are described in greater detail in the FPC Organization and Functions Manual.

(1) The Bureau of Natural Gas, responsible for providing technical staff assistance to the Commission in administering the Natural Gas Act and related Executive Orders, including the sale and transportation of natural gas in interstate commerce, and the operation of pipelines and producers engaged in interstate commerce. The Bureau consists of the Office of the Bureau Chief, the Pipeline Certificate and Curtailment Division, the Pipeline Rates Division, the Producer Division, and the Resource Evaluation and Analysis Division.

(2) The Bureau of Power, responsible for providing technical staff assistance to the Commission in carrying out the Federal Power Act, Water Resources Planning Act, and other statutes and Executive Orders pertaining to the sale and transmission of wholesale electric power in interstate commerce, the construction and operation of hydroelectric projects, water resources planning, the adequacy and reliability of the nation's bulk electric power supply, and investigations relating to electric energy. The Bureau consists of the Office of the Chief, the Rates and Corporate Regulation Division, the River Basins Division, the Power Surveys and Analyses Division, the Licensed Projects Division, the Power Supply and Reliability Division, and regional offices located in Atlanta, Chicago, Fort Worth, New York and San Francisco.

(3) The Office of Chief Accountant, responsible for assuring that jurisdictional natural gas companies, electric utilities and licensees provide the Commission, investors and other interested parties with reliable accounting and related data. The office consists of the Office of the Chief, the Audits Division, and the Systems and Financial Reports Division.

(4) The Office of the General Counsel, responsible for providing legislative liaison and legal services to the Commission, including both representation of the Commission in the courts, before committees of the Congress, in conferences with other Federal and non-Federal agencies, and in various other public forums, and representation of the public interest in investigations by the Commission and in proceedings pending before it.

(5) The Office of the Secretary, responsible for maintenance of official Commission records; receipt, control and distribution of regulatory filings and Commission mail; issuance of formal Commission documents; preparation of Commission meeting agendas and minutes; conduct of the Commission's records management function; and performance of delegated regulatory functions on behalf of the Commission as described in § 3.5. The office consists of the Executive Secretariat; the Agenda and Minutes Division, and the Regulatory Support Services Division.

(6) The Office of Administrative Law Judges, responsible for the conduct of public hearings and disposition of related legal proceedings in assigned regulatory matters pending before the Commission, in accordance with the provisions of sections 556 and 557 of the Administrative Procedure Act and § 1.27 of this chapter.

(7) The Office of Special Assistants to the Commission, responsible for analysis of administrative hearing records and other contested actions before the Commission, as assigned, and for the preparation of related Commission orders.

(8) The Office of Policy Analysis, responsible for providing technical studies and policy analyses of economic and environmental aspects of the Commission's regulatory and policymaking activities. The office consists of the Office of the Chief, the Econometric Analysis Division, the Economic Studies Division, the Reports and Statistical Analysis Division, and the Energy Systems Division.

(9) The Office of Administrative Operations responsible for the performance of administrative support services for the Commission and staff. The office consists of the Office of the Director, the Administrative Services Division, the Drafting Division, the Printing Division, and the Library Services Division.

(10) The Office of the Comptroller, responsible for providing financial and management analysis services to the Commission. The office consists of the Office of the Comptroller, the Management Analysis Division, and the Financial Management Division.

(11) The Office of Public Information, responsible for management of the Commission's public information program and activities.

(12) The Office of Personnel Programs, responsible for management of FPC personnel programs. The Office consists of the Office of the Director, the Personnel Operations Division, and the Employee Relations and Services Division.

(13) The Office of Regulatory Information Systems, responsible for management of the Commission's automated data processing program and the Regulatory Information System (RIS). The office consists of the Office of the Assistant Executive Director (RIS), the Systems Planning and Control Division, the Data Management Division, the Application Systems Development Division, and the Facilities Operation Division.

(D) Subparagraph (2) of paragraph (b), § 3.5 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.5 Delegations of final authority.

The Commission has authorized:

* * * * *

(b) The Chief Accountant, or in his absence, the Acting Chief, to:

* * * * *

(2) Approve or authorize proposed accounting entries submitted by public utilities, licensees and natural gas companies which require Commission approval under the Uniform Systems of Accounts, and which are consistent with applicable statutory requirements and

Commission rules, regulations or orders, including the Uniform Systems of Accounts, or reject such entries when inconsistent with the foregoing: *Provided*, That where the proposed accounting entries involve unusually large transactions or unique or controversial features, including the propriety of recognition for ratemaking purposes, the Chief Accountant shall present the same to the Commission for consideration.

* * * * *

(E) Section 3.6 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.6 Office of the Commission.

(a) Headquarters of the Federal Power Commission are located at 825 North Capitol Street, NE., Washington, D.C. 20426.

(b) Regional offices of the Bureau of Power are located as follows:

(1) New York Regional Office, at 26 Federal Plaza, New York, N.Y. 10013, serving: Connecticut; Delaware; District of Columbia; Maine; Maryland; Massachusetts; New Hampshire; New Jersey; New York; Pennsylvania; Rhode Island; Vermont; and parts of Kentucky, Ohio, Virginia and West Virginia.

(2) Atlanta Regional Office, at 730 Peachtree Building, Atlanta, GA 30308, serving: Alabama; Florida; Georgia; North Carolina; South Carolina; Tennessee; and parts of Kentucky, Mississippi, Virginia and West Virginia.

(3) Chicago Regional Office, at 230 South Dearborn Street, Chicago, IL 60604, serving: Illinois; Indiana; Iowa; Michigan; Minnesota; North Dakota; Wisconsin; and parts of Kansas, Missouri, Montana, Nebraska, Ohio, South Dakota and Wyoming.

(4) Fort Worth Regional Office, at 819 Taylor Street, Fort Worth, TX 76102, serving: Arkansas; Colorado; Louisiana; Oklahoma; Texas; and parts of Kansas, Mississippi, Misouri, Nebraska, New Mexico, South Dakota and Wyoming.

(5) San Francisco Regional Office, at 555 Battery Street, San Francisco, CA 94111, serving: Alaska; Arizona; California; Hawaii; Idaho; Nevada; Oregon; Utah; Washington; and parts of Montana, New Mexico and Wyoming.

(F) Subpart A of Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is amended by adding immediately following § "3.7 Commission organization and operating during emergency conditions" a new § 3.8 to read as follows:

§ 3.8 Public information and submittals.

(a) Information concerning matters for which the Commission is responsible may be obtained in person at the headquarters office of the Commission and, to the extent available, at regional offices of the Bureau of Power. A public reference room is maintained in the Office of Public Information at Commission headquarters where assistance and reproduction facilities are available. More limited public facilities are maintained at the regional offices. Information also may be obtained by written request. All formal requests, filings and submittals should be addressed to the Federal Power Commission, Washington, D.C. 20426, except prescribed Power System Statements and Licensed Project Recreation Reports. The latter are to be submitted to regional offices of the Bureau of Power.

(b) The public may examine copies of public information filed with the Commission at its Office of Public Information during regular business hours (See § 1.1(b)). The Commission lets a competitive contract each year for the search and duplication of public documents, and a schedule of fees for such services is prescribed annually. Any person may obtain a copy of the schedule of fees in person, by telephone or by mail from the Office of Public Information. Copies of transcripts, electronic recordings, or minutes of Commission meetings closed to public observation containing material non-exempt pursuant to § 1.3a of this chapter are available to the public at the actual cost of duplication or transcription. Where practical, copies of documents also may be made on self-service duplicating machines located in the Office of Public Information. Copies of data extracted from the Commission's magnetic tape computer files are available on a reimbursable basis, upon written request to the Office of Public Information. The fee varies with the size and complexity of the request. Where the Secretary determines that a waiver or reduction of fees is in the public interest, copies of documents may be furnished without charge or at a reduced fee. Except for requests from Government agencies, certification of copies of official Commission records shall be accompanied by a fee of $2.00 per document. Inquiries and orders may be made to the Office of the Secretary in person, by telephone or by mail.

(c) Stenographic reports of Commission hearings are made by a private contractor. Interested persons may obtain copies of public hearing transcripts from the contractor at prices set in the contract, or through the search and duplication service noted in paragraph (b) of this section. Copies of the contract are available for public inspection in the Office of Public Information.

(d) The Commission's opinions, decisions, orders and rulemakings are distributed in mimeograph form immediately following Commission action, and are available in the Office of Public Information or, upon request, by mail. Opinions, decisions, rules and regulations, and selected orders subsequently are bound and published as "Federal Power Commission Reports," and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(e) A "List of Formal Documents" issued by the Commission is published daily and available in the Office of Public information. A current subject index of major Commission actions since July 4, 1967, also is maintained in the Office of Public Information and is available for public inspection and copying (See § 1.36(e)).

(f) The Commission publishes an annual report to the Congress in which the Commission's operations during the past fiscal year are described. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(g) The Commission publishes a number of reports, decisions, maps, statistics and other information on the electric power and natural gas industries. These publications are available, in person or by mail from the Office of Public Information, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(h) The Commission staff provides informal advice and assistance to the general public and to prospective applicants for licenses, certificates and other Commission authorizations. Opinions expressed by the staff do not represent the official views of the Commission, but are designed to aid the public and facilitate the accomplishment of the Commission's functions. Inquiries may be directed to the chief of the appropriate bureau, office or division described in § 3.4(d).

(i) The Commission issues news releases under the authority of sections 4(d), 307, 311, and 312 of the Federal Power Act and section 14(a) of the Natural Gas Act. Releases are issued on major applications, decisions, opinions, orders, rulemakings, new publications, major personnel changes, and other matters of general public interest. Releases are issued by and available from the Office of Public Information.

(j) Press, television, radio and photographic coverage of Commission proceedings is permitted as follows: (1) Press tables are located in each hearing room, and all sessions of hearings are open to the press, subject to standards of conduct applicable to all others present; (2) television, movie and still cameras and recording equipment are permitted in hearing rooms prior to the opening of a hearing or arguments, and during recesses, upon prior arrangement with the Commission or presiding administrative law judge. All equipment must be removed from the room before hearings begin or resume; (3) television, movie and still cameras and recording equipment may not be used while hearings and oral arguments are in progress; (4) television and press cameras and recording equipment may be used at FPC press conferences under prior arrangement with the Director of Public Information, provided their use does not interfere with the orderly conduct of the conference.

§ 3.102 [Deleted]

(G) Section 3.102 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is deleted.

§ 3.109 [Deleted]

(H) Section 3.109 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is deleted.

§ 3.105 [Amended]

(I) Footnote 1 to § 3.105 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

[1] The following abbreviations are used in this subpart; BNG—Bureau of Natural Gas; OCA—Office of Chief Accountant; OGC—Office of the General Counsel; OPA—Office of Policy Analysis; OPI—Office of Public Information; PWR—Bureau of Power.

§§ 3.106, 3.107, 3.116, 3.135–3.139, 3.162–3.168 [Amended]

(J) Sections 3.106, 3.107, 3.116, 3.135, 3.137, 3.138, 3.139, 3.162, 3.163, 3.164, 3.165, 3.166, 3.167, and 3.168 in part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, are revised as follows:

In each instance where it is used, the abbreviation "OAF" is deleted and the abbreviation "OCA" is inserted.

(K) Sections 3.107, 3.116, 3.137, 3.163, 3.164, and 3.168 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, are revised as follows:

In each instance where it is used, the abbreviation "OEC" is deleted and the abbreviation "OPA" is inserted.

(L) Paragraph (c) of § 3.114 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.114 Licenses.

* * * * *

(c) Except for the notice requirement, all other applications under this Act are processed in a manner similar to that stated in § 3.113.

(M) Section 3.117 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.117 Headwater benefits.

The Commission determines headwater benefits and payments therefor under section 10(f) of the Act and in accordance with the provisions of §§ 11.26 through 11.31 of this chapter. Agreements for headwater benefits payments involving non-Federal entities may be submitted to the Commission for approval in accordance with § 13.1 of this chapter. Public notice is given of proposed Commission actions pertaining to headwater benefits matters.

(N) Paragraph (a) of § 3.170 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new subparagraph (30), to read as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

* * * * *

(30) Form No. 45, report of new non-jurisdictional sales of natural gas (§ 260.20 of this chapter).

* * * * *

(O) Section 3.183 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.183 Federal power marketing acts.

The Bonneville Project Act (16 U.S.C. 832), the Eklutna Project Act (64 Stat. 382), the Falcon Dam Act, as amended (68 Stat. 255, 77 Stat. 475), and the Flood Control Act of 1944 (58 Stat. 887, 890) provide that the Commission review and, if satisfactory, confirm and approve rates proposed for the sale of power generated at projects constructed under these and other acts. The Commission also allocates the costs of certain of these projects and participates in the allocation of costs of others. The Federal Columbia River Transmission System Act (16 U.S.C. 837; 88 Stat. 1376) provides that the Commission review and, if satisfactory, confirm and approve rates for the transmission of non-Federal power over the Federal transmission system.

(P) Section 3.186 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 3.186 Information relative to miscellaneous functions.

Excerpts from the statutes referred to in §§ 3.181 through 3.185 are included in the appendices to the pamphlet editions of the Federal Power Act and the Natural Gas Act, copies of which may be obtained from the Office of Public Information or the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional information pertaining to these functions may be obtained from the Secretary.

(Q) Subparts C, D, and E, of Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, are deleted from Part 3 and redesignated as Subparts A, B, and C, respectively, and transferred without any substantive changes to a new Part 3c, which is established in Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations. The table of contents is as follows:

Subpart A—Standards of Conduct for Employees

Sec.
3c.1 Purpose.
3c.2 Coverage.
3c.3 Notice to employees.
3c.4 Definitions.
3c.5 Conflicts of interest.
3c.6 Ethical conduct.
3c.7 Statements of employment and financial interests.
3c.8 Interpretation and advisory service.
3c.9 Procedures for reviewing statements of employment and financial interests and reporting conflicts of interest.
3c.10 Disciplinary and other remedial action.
3c.11 Miscellaneous statutes and regulations.

Subpart B—Standards of Conduct for Special Government Employees

Sec.
3c.101 Purpose.
3c.102 Coverage.
3c.103 Notice and receipt.
3c.104 Definitions.
3c.105 Classification of special Government Employees.
3c.106 Conflicts of interest.
3c.107 Ethical conduct.
3c.108 Statements of employment and financial interests.
3c.109 Interpretation and advisory service.
3c.110 Procedure for reviewing statements of employment and financial interests and reporting conflicts of interest.
3c.111 Disciplinary and other remedial action.

Subpart C—Standards of Conduct for Commissioners

3c.201 Purpose.
3c.202 Coverage.
3c.203 Definitions.
3c.204 Conflicts of interest.
3c.205 Ethical conduct.
3c.206 Miscellaneous statutes and regulations.

AUTHORITY: E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306; 5 CFR 735.104.

(R) Editorial changes shall be made in new Part 3c, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, as follows:

(1) All references to Subparts C, D, and E, respectively, are deleted, and Subparts A, B, and C, respectively, are inserted.

(2) All references to §§ 3.201 through 3.246, inclusive, are deleted, and appropriate references to §§ 3c.1 through 3c.206, inclusive, are inserted.

(S) The amendments to Part 3 of the Commission's General Rules ordered herein and Part 3c of the Commission's General Rules prescribed herein shall be effective upon the issuance of this order.

(T) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9937 Filed 3-30-77;3:03 pm]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

[Docket No. R-77-433]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective on January 1, 1977.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1, 1971	July	1, 1971
5½	July	1, 1971	Jan.	1, 1972
5⅝	Jan.	1, 1972	July	1, 1972
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 1973	July	1, 1973
6	July	1, 1973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7½	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅝	Jan.	1, 1977		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1, 1971	July	1, 1971
5½	July	1, 1971	Jan.	1, 1972
5⅝	Jan.	1, 1972	July	1, 1972
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 1973	July	1, 1973
6	July	1, 1973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7½	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅝	Jan.	1, 1977		

(Sec. 211.52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1, 1971	July	1, 1971
5½	July	1, 1971	Jan.	1, 1972
5⅝	Jan.	1, 1972	July	1, 0172
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 1973	July	1, 1973
6	July	1, 1973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7½	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅝	Jan.	1, 1977		

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—		Prior to—	
Percent:				
6½	Jan.	1, 1971	July	1, 1971
5½	July	1, 1971	Jan.	1, 1972
5⅝	Jan.	1, 1972	July	1, 1972
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 0973	July	1, 1973
6	July	1, 0973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7½	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅝	Jan.	1, 1977		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of January 1, 1977.

Issued at Washington, D.C., January 17, 1977.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing - Federal Housing Commissioner.

[FR Doc.77-9908 Filed 3-31-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7475]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Certain Requirements for Income Tax Return Preparers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for paid preparers of income tax returns and claims for refund. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations affect all paid income tax return preparers and provide them with the guidance needed to comply with the law.

DATE: The regulations apply to documents prepared after December 31, 1976.

FOR FURTHER INFORMATION CONTACT:

Elsie S. Little of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3926).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains temporary regulations relating to certain requirements for income tax return preparers under sections 6694, 6695 and 7701(a)(36) of the Internal Revenue Code of 1954, as added by section 1203 (a), (b) and (f) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1688). The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

DISCUSSION

The temporary regulations provide questions and answers with respect to the application of the penalty for the negligent or intentional disregard of rules and regulations (section 6694(a)) and the penalty for the willful attempt to understate a taxpayer's tax liability (section 6694(b)). Questions and answers are also included with respect to the procedure for assessment by the Internal Revenue Service of such penalties and the procedure available to the income tax return preparer for seeking relief from the assessment of such penalties.

In addition, these temporary regulations provide questions and answers relating to the signature requirement and penalty (section 6695(b)), and the penalty (as it relates to banks) for the negotiation of certain checks issued by the Internal Revenue Service (section 6695(f)). Further, the definition of income tax return preparer (section 7701(a)(36)) is developed by questions and answers included in these regulations.

DRAFTING INFORMATION

The principal author of this regulation was Elsie S. Little of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations. Accordingly, 26 CFR Part 404 is amended as follows:

Paragraph 1. A new § 404.6694–1 is added immediately after § 404.6109–1. This new section reads as follows:

§ 404.6694–1 Questions and answers relating to understatement of taxpayer's liability by income tax return preparer.

(a) The following questions and answers relate exclusively to the penalty for the negligent or intentional disregard of rules and regulations by an income tax return prepared under section 6694(a) of the Internal Revenue Code of 1954. See also paragraph (c) of this section for further questions and answers relating to this penalty.

Q–1: What is the nature of the penalty under section 669(a) of the Code?

A–1: The penalty under section 6694(a) is intended to apply to the income tax return preparer who has disregarding the rules and regulations with a resulting understatement of the taxpayer's tax liability. The penalty applies only if such disregard by the preparer was intentional or negligent. The penalty was established as a sanction upon preparers for failure to observe rules and regulations.

Q–2: What is the primary duty and responsibility under section 6694(a) of the income tax return preparer in the preparation of a return or claim for refund of tax?

A–2: The primary duty and responsibility under section 6694(a) of the income tax return preparer in the preparation of a return or claim for refund of tax is the exercise of due diligence in the proper application of the rules and regulations to the facts provided with respect to a taxpayer's financial affairs in order to arrive at such taxpayer's true tax liability.

Q–3: Does the phrase "rules and regulations" in section 6694(a) include Treasury regulations and published Internal Revenue Service revenue rulings?

A–3: Yes. See, however, Q and A–5, Q and A–6, and Q and A–7 of this paragraph (a) with respect to disagreement in good faith with a rule or regulation.

Q–4: Does the conduct which is subject to the penalty provided by section 6694(a) include conduct which is based on a disagreement in good faith by an income tax return preparer with the legal validity of a regulation or published ruling?

A–4: No. Such conduct is not considered a negligent or intentional disregard of rules and regulations.

Q–5: What is meant by a "disagreement in good faith" by an income tax return preparer with the legal validity of a regulation or published ruling?

A–5: The interpretation given to a "disagreement in good faith" is similar to the interpretation given to such a disagreement under Code section 6653(a), relating to the disregard of rules and regulations by taxpayers who prepare their own returns. For example, if an income tax return preparer reasonably believes in good faith that case law conflicts with a rule or regulation and that such case law reflects a more accurate interpretation of one or more sections of the Internal Revenue Code, then the preparer may complete a return on the basis of such case law without being subject to the penalty.

Q–6: Where an income tax return preparer in good faith believes that a rule or regulation does not accurately interpret one or more sections of the Internal Revenue Code and prepares a return in conflict with such rule or regulation, must the preparer set forth in the return the relevant rule or regulation which is in dispute and the judicial decision if any relied upon?

A–6: Such disclosure is not required to avoid penalties under section 6694(a) if the preparer is relying on existing case law which conflicts with the rule or regulation which is in dispute. Section 6694(a) does not apply a more stringent requirement to preparers than is applied to taxpayers pursuant to section 6653(a). If no case conflicts with the regulation or ruling which is in dispute, the preparer may disclose on the return the rule or regulation which is in dispute and the grounds for his disagreement with the rule or regulation in evidence of his good faith.

Q–7: Who has the burden of proof in a proceeding regarding the issue of whether the income tax return preparer has negligently or intentionally disregraded rules and regulations in the preparation of an income tax return or claim for refund?

A–7: In any proceeding, the income tax return preparer bears the burden of proof that the preparer has not intentionally or negligently disregarded rules and regulations. If an income tax return preparer presents evidence that the normal practice of the preparer with respect to the treatment of a particular income or deduction item was not negligent and if there is evidence that this normal practice was followed, the preparer will be considered to have met the burden of proof unless the Service presents contrary evidence.

(b) The following questions and answers relate exclusively to the penalty for willful understatement of tax liability by an income tax return preparer under section 6694(b) of the Internal Revenue Code of 1954. See also paragraph (c) of this section for further questions and answers relating to this penalty.

Q–1: What constitutes conduct which would subject an income tax return preparer to the penalty for willful understatement of a taxpayer's tax liability provided by section 6694(b)?

A–1: Such conduct includes disregard by an income tax return preparer of correct facts supplied to the preparer by the taxpayer or others in an attempt by the preparer wrongfully to reduce the taxpayer's tax liability. For example, if an income tax return preparer disregards information concerning certain items of taxable income furnished by the client-taxpayer or other person, the penalty would be applicable. Where a taxpayer states to an income tax return preparer that the taxpayer has only two dependents, and the income tax return preparer, with full knowledge that the statement is accurate, reports six dependents on the tax return, the penalty would be applicable.

Q–2: Is the income tax return preparer required to examine or review documents or other evidence supporting the client-taxpayer's information or to make inquiries regarding the information supplied by the clients-taxpayer in order to avoid the penalty under section 6694(b)?

A–2: Generally, in preparing a return, the income tax return preparer may rely without verification upon information furnished by the client-taxpayer. The income tax return preparer is not required to examine or review documents or other evidence supporting the client-taxpayer's information in order to avoid the penalty under section 6694(b). However, the income tax return preparer cannot ignore the implications of information furnished. The income tax return preparer must make reasonable inquiries where the information as presented appears to be incorrect or incomplete. Additionally, many sections of the Internal Revenue Code require the presence of specific facts and circumstances before a deduction can properly be claimed. The income tax return preparer must make appropriate inquiries of the taxpayer to determine the presence of the underlying specific facts required by a code section incident to claiming a deduction. For example, in the case of the deduction for travel and entertainment expenses, the preparer should ascertain the existence of the records required by law to support the deduction.

Q–3: A taxpayer, during the tax interview conducted by an income tax return preparer, stated that he had paid $2,500 in doctor and hospital bills during the tax year when in fact he had paid a smaller amount. On the basis of the information the preparer properly calculated a deduction for medical expenses which resulted in an understatement of tax liability. The income tax return preparer had no reason to believe that the medical expense information presented was incorrect or incomplete. The preparer did not request underlying documentation. Is the income tax return preparer subject to the penalty provided by section 6694(b)?

A–3: No.

(c) The following questions and answers relate both to the penalty for the negligent or intentional disregard of rules and regulations by an income tax return preparer and to the penalty for the willful understatement of the taxpayer's tax liability by an income tax return preparer under section 6694 (a) and (b) of the Internal Revenue Code of 1954, respectively:

Q–1: Can the intentional disregard of rules and regulations by an income tax return preparer be a basis for the assertion of the penalty under section 6694(b) for the willful understatement of tax liability?

A–1: Yes. A willful understatement of tax liability can be based on an intentional disregard of rules and regulations. For example, an income tax return preparer who deducts all of a taxpayer's medical expenses, intentionally disregarding the applicable floors, limiting deductability of medical expenses, may have both intentionally disregarded rules and regulations within the meaning of section 6694(a) and willfully understated tax liability within the meaning of section 6694(b).

Q–2: Can both the penalty for the intentional disregard of rules and regulations and the penalty for the willful attempt to understate tax liability be assessed against a preparer with respect to the same return or claim?

A–2: Yes. However, the total amount collected by reason of imposing both penalties cannot exceed $500 per return. Thus, the Internal Revenue Service could first assess the penalty for negligent or intentional disregard of rules and regulations and then, at a later date, assess the penalty for the willful understatement of tax liability. If the first penalty of $100 is collected, the later assessment for willful understatement of tax liability would be limited to $400 with respect to the same tax return.

Q–3: Must there in fact be an understatement of tax liability for the assessment of the penalty for negligent or intentional disregard of rules and regulations as well as the penalty for willful understatement of tax liability?

A–3: Yes.

Q–4: Is a final administrative or judicial determination of an understatement of tax liability in a proceeding to which the taxpayer is a party required before the assessment of either or both penalties?

A-4: No. An understatement of tax liability may be shown to exist in a proceeding against the preparer independent of any proceeding against the taxpayer. If, however, in a proceeding to which the taxpayer is a party it is determined that an understatement of tax liability does not exist, then the Internal Revenue Service will not assert either penalty against the preparer and will refund any penalty if previously collected from the preparer.

Q-5: Normally would an investigation of the income tax return preparer's conduct be initiated before the assessment of either the penalty for the negligent or intentional disregard of rules and regulations or the penalty for the willful understatement of tax liability.

A-5: Yes.

Q-6: Will the income tax return preparer be sent a revenue agent's report prior to assessment of either penalty?

A-6: Yes.

Q-7: If the income tax return preparer wishes to oppose assessment of either penalty, will the preparer be afforded an opportunity to pursue administrative remedies prior to assessment of either penalty?

A-7: Yes. The income tax return preparer will be issued a thirty-day letter notifying the preparer of the proposed penalty and offering the preparer an opportunity to pursue administrative remedies prior to assessment of the penalty.

Q-8: What procedures will be followed if the income tax return preparer does not prevail during the administrative proceeding?

A-8: After administrative remedies are exhausted, if the Internal Revenue Service assesses the penalty, it will present a statement of notice and demand, separate from any notice of a tax deficiency, to the income tax return preparer. The penalty is payable upon notice and demand.

Q-9: What course may an income tax return preparer follow if the preparer does not agree with the penalty determination in the revenue agent's report and either (1) does not choose to pursue an administrative remedy within the Internal Revenue Service or (2) has received an adverse final administrative determination from the Internal Revenue Service?

A-9: The preparer may pay the entire amount assessed and file a claim for refund of the amount paid not later than 3 years from the date the penalty is paid. Alternatively, the preparer may pay 15% of the penalty within 30 days of the date of the statement of notice and demand and file a claim for refund of the amount within the same 30 day period.

Q-10: If the preparer timely pays 15% of the penalty and files a claim for refund, can the Internal Revenue Service proceed to collect the remaining 85% of the penalty?

A-10: The Internal Revenue Service may not proceed to collect any part of the remaining 85% of the penalty during the period when the claim for refund is pending. However, with respect to any penalty for which the 15% amount is not timely paid, the Internal Revenue Service will pursue collection of the entire penalty.

Q-11: What can an income tax return preparer do if the Internal Revenue Service denies a claim for refund of the amount paid for the assessed penalty?

A-11: The income tax return preparer may bring an action for refund in the appropriate U.S. District Court within 30 days from the date of denial. The preparer must bring the action within this 30-day period to postpone or avoid collection measures by the Service relating to the remaining 85% of the penalty. In this regard, see Q and A-13 of this paragraph (c). If the income tax return preparer does bring an action, the Internal Revenue Service need not file a counterclaim in the action for the remaining 85% of the outstanding penalty because any court decision with regard to the refund of 15% of the penalty will apply as well to the remaining 85% of the penalty.

Q-12: What procedures are available to the income tax return preparer if the Internal Revenue Service does not act on a claim filed for the refund of an amount paid against an assessed penalty?

A-12: If the Internal Revenue Service does not deny a claim for refund by the end of six months after the date the claim is presented, the income tax return preparer may bring an action in the appropriate U.S. District Court within the 30-day period after the end of the six month period. If the income tax return preparer does not begin an action within the 30-day period, the Internal Revenue Service will proceed with collection of the remaining 85% of the penalty.

Q-13: Where an income tax return preparer brings a timely action for refund before the appropriate U.S. District Court, can the Internal Revenue Service begin collection action on the remaining 85% of the penalty due if the 15% payment was timely made?

A-13: If the preparer brings a timely refund action, the Internal Revenue Service cannot, except as part of a jeopardy assessment, seek to collect the remaining 85% of the penalty during the period when the action is pending. The Internal Revenue Service will resume its collection activities only upon final resolution of the matter. The final resolution includes any settlement between the Internal Revenue Service and the income tax return preparer, or any final decision by a court and includes the types of determinations provided under existing law (section 1313 (a)) relating to taxpayer deficiencies. During any period for which the Internal Revenue Service is prevented from pursuing collection of the remainder of a penalty, the running of the statute of limitations for collection is suspended.

PAR. 2. New sections are added immediately after § 404.6695-1. These new sections read as follows:

§ 404.6695-2 Questions and answers relating to certain assessable penalties with respect to the preparation of income tax returns for other persons.

The following questions and answers relate to certain assessable penalties with respect to preparation of income tax returns for other persons under section 6695 of the Internal Revenue Code of 1954.

Q-1: X prepares income tax returns and furnishes a photocopy of each of the returns to the appropriate taxpayer for filing with the Internal Revenue Service. X is required to sign the return as preparer. Will the photocopy return be accepted?

A-1: Revenue Procedure 76-40 (1976-49 I.R.B.) provides that reproductions of forms may be made after insertion of the tax computations and other required information. However, all signatures on forms to be filed with the IRS must be original signatures, affixed after the reproduction process.

Q-2: X receives a notice of a penalty assessment for failure to sign a return which X prepared for a client. To determine if X can obtain an abatement of the penalty, what justification constitutes reasonable cause for failure to sign the return?

A-2: Reasonable cause, broadly defined, is a cause which arises despite ordinary care and prudence exercised by the individual. If X believes he has reasonable cause for elimination of the penalty, X must furnish the Service with a written statement setting forth the facts establishing reasonable cause.

Q-3: X and Y are tax return preparers. X uses a facsimile signature stamp to identify the returns which X prepares. Y signs a gummed label which is attached to the place where the preparer's signature is required. Will a stamped return or return with a label signed by the preparer qualify as a signed return?

A-3: No. The preparer must physically sign the return. He may not be identified by a stamped signature or signature label.

Q-4: X prepares returns as an employee of a major accounting firm. Is X required to sign the returns and furnish his social security number?

A-4: X is required to sign the return as preparer if he is the individual primarily responsible for the overall accuracy of the return. As an employee, X is not required to disclose his social security number. However, X's employer's identification number must be shown on the return.

Q-5: X employs A, B, and C to prepare income tax returns for taxpayers. After A and B have collected the information from the taxpayer and applied the tax laws to the information, the return form is completed by computer service. On the day the returns prepared by A and B are ready for their signatures, A is away from the city for one week on another assignment and B is on detail to another office for the day. May C sign the returns prepared by (i) A and (ii) B?

A-5: (i) Yes. A is unavailable; C may sign the returns prepared by A, provided that (*a*) C notifies each taxpayer that he as preparer (and not A) is primarily responsible for the preparation of the return, (b) C reviews with each taxpayer the information obtained by A relative to the taxpayer, and (*c*) C reviews the preparation of each return prepared by A.

(ii) No. Another preparer cannot sign the returns prepared by B because B is available.

Q-6: Is a bank subject to the penalty under Code section 6695(f), relating to the negotiation of certain checks issued by the Service, if the bank prepares returns and claims for refund of taxpayers who are not employees of the bank and if the bank either (i) cashes refund checks (with respect to returns or claims prepared) and remits all of the cash to taxpayers, or (ii) accepts refund checks (with respect to returns or claims prepared) for deposit to taxpayers' accounts?

A-6: No. The first endorsement or negotiation of the refund check is made by the taxpayer, not the bank. Code section 6695(f) was not intended to apply to subsequent endorsements made as a part of the check clearing process through the financial system: *Provided*, The initial endorsement or negotiation of the check was not made by an income tax return preparer of the return or claim for which the Internal Revenue Service issued the check.

§ 404.7701-1 Questions and answers relating to the definition of income tax return preparer.

The following questions and answers relate to the definition of income tax return preparer under section 7701(a)(36) of the Internal Revenue Code of 1954.

Q-1: Does the term "income tax return preparer" include a person who completes a return gratuitously for a taxpayer who is a friend, relative, or neighbor even if that person receives a gift of gratitude from the taxpayer?

A-1: No. The definition of income tax return preparer includes only persons who prepare the returns of others for compensation. It does not include a person who completes a return for a friend, relative, or neighbor

with no implicit or explicit agreement for compensation, even though that person receives a gift of gratitude, such as an invitation to dinner or a return favor.

Q-2: Are there any educational qualifications or professional status requirements for a person to be considered an income tax return preparer?

A-2: No.

Q-3: Is it required that a person complete all parts of the turn in question to be considered an income tax return preparer?

A-3: No. An income tax return preparer is any person who prepares, for compensation, all or a substantial portion of a tax return or claim for refund.

Q-4: What constitutes a substantial portion of a return or claim for refund?

A-4: Whether a portion of a return or claim constitutes a substantial portion is to be determined by comparing the length of, complexity of, and tax liability or refund involved with respect to that portion of the return or claim, to the return or claim as a whole.

Q-5: Is the filing of a single schedule of a tax return considered to be a substantial portion?

A-5: Completion of a single schedule of a tax return will not be considered a substantial portion of the return unless that particular schedule is the dominant portion of the entire tax return.

Q-6: May a person be considered an income tax return preparer even though that person does not actually place or review placement of the figures on the taxpayer's return?

A-6: Yes. A person who supplies to a taxpayer sufficient information and advice so that completing the tax return becomes merely a mechanical or clerical matter is to be considered an income tax return preparer.

Q-7: Does the definition of income tax return preparer include an individual who only gives advice on particular issues of law or Internal Revenue Service policy?

A-7: An individual who only gives advice on particular issues of law or Internal Revenue Service policy relating to particular deductions or items of income will not have prepared a return if the advice does not directly relate to, or is given without regard to or consideration of, any specific amounts which are to be placed on the return of the taxpayer. Furthermore, an individual will not have prepared a return if the advice is not given in connection with the preparation of a return.

Q-8: May the term "income tax return preparer" include persons who prepare United States returns or claims outside the United States?

A-8: Yes. Such persons are income tax return preparers, irrespective of their nationality, residence, or the locations of their places of business, provided that they otherwise meet the definition of income tax return preparer contained in section 7701(a)(36). Notwithstanding the provisions of § 301.6109-1(g), each such person must secure a taxpayer identifying number and must comply with the provisions of section 1203 of the Tax Reform Act of 1976 and the regulations thereunder.

Q-9: X, a regular and continuous employee of S, a subsidiary corporation of P corporation, prepares the returns of employees of both P and S corporations. Is X considered an income tax return preparer under Code section 7701(a)(36)?

A-9: No. For purposes of the exception under section 7701(a)(36)(B)(ii) to the definition of the term "income tax return preparer," employees of a subsidiary corporation are considered employees of the parent corporation.

Q-10: Does the exception provided by section 7701(a)(36)(B)(iii) with respect to the definition of income tax return preparer include the fiduciary of a conservatorship for a person under a legal disability?

A-10: Yes: The exception to the definition of the term income tax return preparer" under section 7701(a)(36)(B)(iii) includes the fiduciary (and its officers and employees) of an estate, guardianship, conservatorship, or similar arrangement for a taxpayer under a legal disability (such as a minor, an incompetent, or an infirm individual).

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 28, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-9993 Filed 3-30-77;4:49 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1978 WHEAT MARKETING QUOTA PROGRAM

Proposed Determinations

Notice is hereby given that the Secretary of Agriculture is preparing to determine whether marketing quotas for wheat are required to be proclaimed for the 1978–79 marketing year; to determine and proclaim the national acreage allotment for the 1978 crop of wheat, to apportion among States and counties the national acreage allotment for the 1978 crop of wheat, to designate the 1978 commercial wheat-producing area, to determine a projected national yield for the 1978 crop of wheat, to formulate regulations for establishing projected county yields for the 1978 crop of wheat; and, if marketing quotas are proclaimed, to establish the date of the referendum to determine whether farmers favor the marketing quotas so proclaimed, the amount of the national marketing quotas, wheat marketing allocation, and the national allocation percentage, for the 1978–79 marketing year. If marketing quotas are proclaimed for the 1978–79 marketing year, the Secretary will also determine and declare whether marketing quotas shall be in effect for the 1979–80 marketing year or for the 1979–80 and 1980–81 marketing years as necessary to effectuate the policy of the Act.

Subsections (a) and (b) of section 332 of the Agricultural Adjustment Act of 1938, as amended, read as follows:

Sec. 332 (a) Whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for such marketing year and for either the following marketing year or the following two marketing years, if the Secretary determines and declares in such proclamation that a two- or three-year marketing quota program is necessary to effectuate the policy of the Act.

Sec. 332(b) If a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the Act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than one billion bushels.

Section 333 of the Act, as amended, reads as follows:

The Secretary shall proclaim a national acreage allotment for each crop of wheat. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than that not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed.

Section 334(a) of the Act, as amended, reads as follows:

The national allotment for wheat, less a reserve of not to exceed 1 percentum thereof for apportionment as provided in this subsection and less the special acreage reserve provided for in this subsection, shall be apportioned by the Secretary among the States on the basis of the preceding year's allotment for each such State, including all amounts allotted to the State and including for 1967 the increased acreage in the State allotted for 1966 under section 335, adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors. The reserve acreage set aside herein for apportionment by the Secretary shall be used (1) to make allotments to counties in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotments because of reclamation and other new areas coming into production of wheat, or (2) to increase the allotment for any county, in which wheat is the principal grain crop produced, on the basis of its relative need for such increase if the average ratio of wheat acreage allotment to cropland on old wheat farms in such county is less by at least 20 per centum than such average ratio on old wheat farms in an adjoining county or counties in which wheat is the principal grain crop produced or if there is a definable contiguous area consisting of at least 10 per centum of the cropland acreage in such county in which the average ratio of wheat allotment to cropland on old wheat farms is less by at least 20 per centum than such average ratio on the remaining old wheat farms in such county, *Provided*, That such low ratio of wheat acreage allotment to cropland is due to the shift prior to 1951 from wheat to one or more alternative income-producing crops which, because of plant disease or sustained loss of markets, may no longer be produced at a fair profit and there is no other alternative income-producing crop suitable for production in the area or county. The increase in the county allotment under clause (2) of the preceding sentence shall be used to increase allotments for old wheat farms in the affected area to make such allotments comparable with those on similar farms in the adjoining areas or counties but the average ratio of increased allotments to cropland on such farms shall not exceed the average ratio of wheat acreage allotment to cropland on old wheat farms in the adjoining areas or counties. There also shall be made available a special acreage reserve of not in excess of one million acres as determined by the Secretary to be desirable for the purposes hereof which shall be in addition to the national acreage reserve provided for in this subsection. Such special acreage reserve shall be made available to the States to make additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotments to make adjustments in the allotments on old wheat farms * * * on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only

if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purposes of making adjustments hereunder the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year.

Sec. 334(b) of the Act requires that the State acreage allotment of wheat for the 1978 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the preceding year's wheat allotment in each such county, including for 1967 the increased acreage in the county allotted for 1966 pursuant to section 335, adjusted to the extent deemed necessary to establish a fair and equitable apportionment base for each county, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

Sec. 334(a) of the Act, as added by section 314 of the Food and Agriculture Act of 1962, provides that if the acreage allotment for any State for the 1978 crop of wheat is 25,000 acres or less, the Secretary, in order to promote efficient administration of the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for the 1978–79 marketing year. That section also provides that if any State is so designated, acreage allotments for the 1978 crop of wheat and marketing quotas for the 1978–79 marketing year shall not be applicable to any farm in such State, and that acreage allotments in any State shall not be increased by reason of such designation.

Section 336 of the Act, as amended, provides that if a national marketing quota for wheat for one, two, or three marketing years is proclaimed, the Secretary shall, not later than August 1 of the calendar year in which such national marketing quota is proclaimed, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the marketing year or years for which proclaimed. Section 336 further provides that the Secretary shall proclaim the results of any referendum within thirty days after the date of such referendum, and if he determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, he shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. Section 336 of the Act also provides that if the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of two or three marketing years, no referendum shall be held for the subsequent year or years of such period.

Section 301(b)(8)(B) of the Act, as amended by the Food and Agriculture Act of 1965, provides for the determination of a projected national yield of wheat on the basis of the national yield per harvested acre of wheat during each of the five calendar years immediately preceding the year in which such projected national yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 301(b)(13)(J) of the Act, as amended by the Food and Agriculture Act of 1964, provides for the determination of projected county yields of wheat on the basis of the yield per harvested acre of wheat for the county during each of the five calendar years immediately preceding the year in which such projected county yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 324 of the Food and Agriculture Act of 1962 added a new subtitle, designated "Subtitle D—Wheat Marketing Allocation," to title III of the Agricultural Adjustment Act of 1938. Under the sections of the Act comprising this subtitle (379a to 379j, inclusive), during any marketing year for which a national marketing quota is in effect for wheat, beginning with the marketing year on the 1964 crop, a wheat marketing allocation program shall be in effect. Whenever such a program is in effect for any marketing year, the Secretary is required to determine the wheat marketing allocation for such year, which shall be the amount of wheat which in determining the national marketing quota for such marketing year the Secretary estimated would be used during such year for food products for consumption in the United States, and that portion of the amount of wheat which in determining such quota he estimated would be exported in the form of wheat or products thereof during such marketing year on which the Secretary determines that marketing certificates should be issued to producers in order to achieve, insofar as practicable, the price and income objectives of subtitle D. The Secretary is also required to determine the national allocation percentage which shall be the percentage which the national marketing allocation is of the national marketing quota.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, ASCS, P.O. Box 2415, Washington, D.C. 20013. To be sure of consideration, all written submissions must be postmarked not later than April 18, 1977.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 to 4:45 p.m.).

The Secretary has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C., on March 28, 1977.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc.77-9665 Filed 3-31-77;8:45 am]

[7 CFR Part 730]

1977 RICE SET-ASIDE PROGRAM

Determination

Section 101(g)(5)(A) of the Agricultural Act of 1949, as amended, provides that the Secretary may require a set-aside of cropland for a crop of rice if he estimates (without taking into consideration the effect of a set-aside) that the carryover of rice for the marketing year beginning in the calendar year immediately following the calendar year in which such crop will be grown will exceed 15 per centum of the total supply of rice for the marketing year beginning in the calendar year in which such crop will be grown. Current projections indicate that, without a set-aside program, carryover stocks as of August 1, 1978, will be 38.5 million hundredweights, 26.4 percent of the projected total supply for the 1977 crop of 145.8 million hundredweights.

A preliminary determination that a set-aside of cropland shall not be in effect for the 1977 crop of rice was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 780), in accordance with provisions of 7 U.S.C. 1441(g).

Notice is hereby given that the Secretary has made a final determination that a set-aside of cropland shall not be in effect for the 1977 crop of rice. (Sec. 101, 63 Stat. 1051, as amended (7 U.S.C. 1441).)

Effective date: This final determination is effective March 29, 1977.

The Secretary has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on March 25, 1977.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc.77-9533 Filed 3-29-77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment for the 1976–77 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This notice invites written comment on proposed expenses of $287,-

110 and rate of assessment of $0.0145 per carton of Valencia oranges to support the activities of the Valencia Orange Administrative Committee for the 1976–77 fiscal period under Marketing Order No. 908.

DATES: Comments must be received on or before April 15, 1977. Proposed effective dates: November 1, 1976, through October 31, 1977.

ADDRESSES: Comments may be addressed to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

Consideration is being given to the following proposals submitted by the Valencia Orange Administration Committee, established under the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer its terms and provisions:

(1) Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the fiscal period November 1, 1976, through October 31, 1977, will amount to $287,110.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 908.41, be established at $0.0145 per carton of oranges.

Dated: March 29, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-9709 Filed 3-31-77;8:45 am]

[7 CFR Part 967]

[Docket No. AO-354-A2]

CELERY GROWN IN FLORIDA

Recommended Decision and Opportunity to File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 967, as amended (7 CFR Part 967) regulating the handling of celery grown in Florida.

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by April 18, 1977. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Orlando, Florida, February 1, 1977. Notice of the hearing was published in the January 13, 1977, issue of the FEDERAL REGISTER (42 FR 2691) with a supplement to the notice set forth in the January 28, 1977, issue of the FEDERAL REGISTER (42 FR 5362). The proposals contained in the notice were submitted by the Florida Celery Committee.

MATERIAL ISSUES

The material issues of record are as follows:

(1) Providing for a public member on the committee;

(2) Amending § 967.37 "Base Quantities" to clarify the basis for determining Base Quantities, to provide conditions for obtaining and retaining Base Quantities and to add authority to require annual registration by producers;

(3) Amending § 967.38 "Marketable Allotments" to revise the basis for determining each celery producer's annual sales allotment;

(4) Amending § 967.44 Research and Development" to authorize production research;

(5) Providing for the receipt of voluntary contributions to finance research projects;

(6) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on the record of the hearing:

(1) The Florida celery marketing agreement and order (hereinafter in the text of findings and conclusions collectively referred to as the "order") should be amended to provide for a representative of the public on the administrative committee. To effectuate such a change, § 967.25 of the current order providing for the establishment and membership of the Florida Celery Committee should be revised to enlarge the committee from 15 members to 16 members, with the additional member to be a public member. Further, § 967.26 providing for eligibility of committee members should be revised to indicate the criteria for the public member, and a new paragraph (f) should be added to § 967.27 "Nominations" to indicate the procedures which should be used in the nomination of the public member.

Record evidence indicates that public representation on commodity committees could improve the exchange of information and viewpoints between industry members and the public. Proponent witnesses indicated that the industry likely would benefit from the judgment and knowledge that a public member could contribute to industry decisions. In turn, such a member could be effective in enlightening the general public with respect to the nature and operation of the celery order. As is provided for producer or handler members, the additional public member should have an alternate.

Individuals selected from the public to serve on the committee should meet specified eligibility requirements. The record indicates that it would be appropriate that public member and alternate member nominees not have a direct financial interest nor be closely associated with the production, processing, financing or marketing of agricultural commodities. Also, such nominees should be able to devote sufficient time and express a willingness to attend committee meetings regularly and to familiarize themselves with the practices and the economics of the industry. The evidence further indicates that preference should be given to selecting nominees who are residents of the production area so that participation in committee meetings and other activities will be more convenient and less expensive.

The public member and alternate member should be nominated by the committee in accordance with rules or regulations which should indicate the qualification requirements for public member nominees and the procedure by which the committee will receive names of candidates. The committee should have the duty of recommending such procedural rules for approval by the Secretary. Record evidence indicates that the public member should be nominated by July 1 each year. This will insure sufficient time for the Secretary to consider the nominations so that selection can be made prior to the beginning of each term of office which would be the same as the terms for producer or handler members. However, the nomination of the initial public member may be made later than July 1 but as soon as practical after said member's position on the committee is authorized.

The committee's responsibility with regard to nominations of public members will require a conforming change in § 967.31 "Duties." A paragraph (m) should be added specifying that one of the committee's duties will be to secure suitable candidates for the public member and alternate positions and to nominate eligible persons to be the public member and alternate on the committee.

(2) Section 967.37 "Base Quantities" should be amended by clarifying the ba-

sis for determining Base Quantities, adding a requirement for periodic review of Base Quantities, and modifying the procedure for allocating an annual reserve. The order became effective on November 15, 1965. Since then significant changes have taken place in the distribution of sales authority among producers as reflected in individual producers' holdings of Base Quantities, and the use made of the Base Quantity provisions of the order to establish and maintain orderly marketing conditions. To ensure that regulatory activities related to the Base Quantity provision are more in accord with current and prospective production and marketing trends in the Florida celery industry, this section should be modified as follows:

Paragraphs (a) and (b) specify the procedures which were used in determining the initial Base Quantities under the order. Since these provisions are obsolete, they should be deleted and replaced by a new paragraph (a) which should provide that Base Quantities of producers with a history of production and participation under the order shall be those in effect for the 1976–77 season, as recorded by the committee.

Under the present order, as amended, initial Base Quantities for each producer were determined on the basis of the greatest number of crates of harvested celery sold by him or on his behalf during a specified historical representative period. This method of determining Base Quantities, which is authorized by Section 8c(6)(B) of the act, resulted in allocations to existing producers of authority to sell celery on the basis of a uniform rule for the first season (1965–66) of operation under the Florida Celery Marketing Order. In subsequent years a number of producers transferred their Base Quantities to other producers. Such transfers are authorized by § 967.39 "Transfers" of the order which provides that any producer's Base Quantity may be transferred in part or total for a specified period of time subject to approval of the committee. As a result, producers' Base Quantities in effect for the 1976–77 season as recorded by the Committee on December 15, 1976 are the product of the Base Quantities originally issued under a uniform rule, as subsequently modified by authorized transfers by producers to other producers. Therefore, the proposed basis for determining Base Quantities of producers with a history of sales under the order is substantially the same as the basis set forth when the order was issued in 1965.

Provision also should be made for determining Base Quantities for other producers; i.e. those without a history of sales under the order. Under proposed requirements discussed later herein, such producers may acquire a base from a reserve to be established and allocated annually. Base Quantities of both existing and new producers would be subject to modification because of periodic updating of the method of determining Base Quantities, any increases which might accrue from additive allocations from a reserve to be established by the committee, cancellation of a Base Quantity due to non-use, or transfers of Base Quantity pursuant to § 967.39.

A new paragraph (b) should be incorporated to require the committee to review Base Quantities periodically, and recommend appropriate changes in the basis for determining Base Quantities. This requirement would provide a means of keeping Base Quantities consistent with sales performance.

The record indicates that over a period of time, individual producers often modify their participation in the celery business, increasing or decreasing the size of their operation and in some instances discontinuing celery production and marketing. This results in a disparity between the aggregate of Base Quantities and the production and marketing capacity of the celery industry which affects other aspects of operations under the order. For example, when a grower does not grow and market celery for one or more years, there may be an important effect on the annual sales allotments issued to producers. Each year a determination is made of the total qantity of celery to be marketed (Marketable Quantity). The ratio of the Marketable Quantity to total Base Quantities is applied to individual producers' Base Quantities to determine the quantity or allotment of celery handlers may acquire from each producer. When total Base Quantities include unused individual Base Quantities, some allotments go to inactive producers while active producers may have allotments smaller than warranted by their productive capacity and the total market requirements.

The record indicates that revisions which should be made in the order to provide for entry of new producers, expansion of existing producers' celery operations, or elimination of Base Quantities of persons who do not make a bona fide effort to grow and market celery, could have a substantial effect upon the structure of the industry in terms of numbers of producers and the size of individual celery enterprises. Therefore, in order for the Base Quantities to continue to reflect the productive and market capacity of the industry, it is appropriate to require the committee to review the use being made of Base Quantities. Such appraisals should be made at least every five years but may be made more often to correlate with the rate of change within the industry. In the event a change is deemed necessary, and after due consultation with the industry to solicit their views and suggestions, the committee should so recommend to the Secretary. Record evidence shows, and so should the proposed amendment to the order, that the Secretary may then establish through rule making procedure, a revised appropriate basis for determining Base Quantities.

Paragraph (d) should be revised to require a reserve to be established annually, and to indicate the procedures which should be followed in allocating such reserve. This paragraph currently authorizes a reserve on a permissive basis whereas the proposed reserve requirement would be mandatory.

The order's present reserve authority was designed to permit adjustments in Base Quantities of producers who for various reasons had been adversely affected in their marketing operations during the representative period, or to expand the industry's production capacity in the event existing capacity was unable to satisfy increased market demand. The proposed reserve provision would permit Base Quantity adjustments for the same reasons, and in addition, should reduce the monetary value accuring to Base Quantities. Record evidence shows that until recently Base Quantities were transferred among producers for various financial considerations. However, with a substantial amount of Base Quantity available for acquisition by bona fide producers at no cost, existing Base Quantities should have little or no monetary value. This would be consistent with respect to the objective of the order, which is to achieve orderly marketing rather than to create value in a sales base. For these reasons, the proposed revision should be implemented.

Evidence in the record shows that the annual reserve should amount to six percent of total Base Quantities. Such a reserve would insure year to year stability, and still be adequate to permit new producers to gain entry into the industry, and to allow established producers to expand. The reserve to be allocated for a given year should be calculated from the total Base Quantities in effect the preceding year. The record indicates that half of the reserve should be available to new producers and the other half to existing producers. This is a reasonable and appropriate method of distributing the reserve, and should properly serve the equity interests of both new and existing producers.

Proponent witnesses recommended that the order should provide for any unallocated reserve Base Quantities for new producers to be prorated at the committee's discretion among existing producers on a uniform basis. Such a distribution would be contrary to the basic intent of the reserve authority as it relates to existing producers. The record shows that existing producers may be granted increases in Base Quantities from the reserve upon request, supported by substantial evidence of a production and marketing capability consistent with such request. To grant Base Quantities otherwise, even though on a uniform basis, would serve no useful purpose and, further, would tend to dilute the significance of Base Quantities granted to new producers. Therefore, any reserve for new producers which is unallocated should not be made available to other producers.

The record indicates, and so should the proposed amendment, that additive Base Quantities issued to existing producers from a reserve should be valid for only one season but Base Quantities issued or allocated to new producers should be permanent. Allocations to existing producers would be related to new or additional resources acquired by them or a potential new market. If experience warrants continued production and market-

ing at the higher level, the producer could again request an additive Base Quantity. The new producer faces different circumstances justifying different treatment with regard to receiving a Base Quantity for a reserve. The establishment of a new farming operation to produce and market celery requires the expenditure of a large amount of money. A producer may not be willing or able to make resource commitments of the magnitude required for a celery business without assurance of an opportunity to market future crops. Therefore, it is fair and reasonable to provide that Base Quantities issued to new producers should not be subject to reissuance each year. At the same time, new producers should be obligated to demonstrate their intent to maintain a viable celery operation. For this reason, and to preclude speculation with respect to reserve Base Quantities, the record shows that the order should provide that Base Quantities issued to new producers cannot be transferred within three years after issuance.

The order should continue to provide that the committee shall establish, subject to approval of the Secretary, rules and procedures to be used in determining the reserve and the adjustments to be made in Base Quantities. The guidelines set forth in the order for the size of the reserve and its allocation to new and existing producers, and for obtaining Base Quantities will help insure equitable treatment for both an applicant and other producers. Therefore, such standards are determined to be proper and adequate for administration of the order. The specific criteria would help insure that adjustments would be fair and reasonable.

Requests for Base Quantity under the reserve authority, together with supporting material, should be made to the committee not later than April 1. This would provide adequate time for the committee to evaluate each request and inform each person of its decision early enough for those granted new Base to initiate plans for the ensuing season. Because of the time required to develop procedures governing the establishment and distribution of the reserve, the order should provide that the reserve feature of the program will become effective for the 1978–79 season.

A new paragraph (e) should be added to empower the committee to cancel a producer's Base Quantity if he does not make a bona fide effort during two consecutive seasons to produce and market celery thereunder. The record indicates that two consecutive years of not marketing should be construed to be evidence of a producer's withdrawal from the celery industry. Cancellation of unused Base Quantities would make the annual calculation of the Marketable Quantity more realistic, should enhance the committee's ability to evaluate potential production, and should contribute to more efficient program operation. This provision should not be mandatory, however, in order that exceptions may be made to recognize extenuating circumstances. Record evidence indicates that one indication of a bona fide effort to produce and market celery would be a producer's marketing of at least half of the alloted celery in which he has a proprietary interest; that is, celery which he owns in part or in total. Other criteria may be similarly designed to preclude token production to preserve a Base Quantity. Rules and regulations should be developed by the committee for approval of the Secretary indicating the procedures to be used in implementing this procedure.

A new paragraph (f) should be added to require annual registration by producers. Under such a requirement, each person planning to grow celery during the ensuing season would have to register with the committee, and indicate his commitments to produce and market celery. Commitments as used in the order relate to the obligation of resources of production, either potentially or in fact. Such resources would include not only the land, labor, and facilities, but also the finances which are necessary to produce celery. The registration procedure would impose no unreasonable burden on the individual, and would contribute greatly to more efficient operation of the order. Registration would provide the committee with a better indication of the potential for production so that a meaningful Marketable Quantity and individual producers' sales allotments could be determined. In the event a producer chose not to register, his Base Quantity should not be affected for that season but he should not receive a marketable allotment. Otherwise, the beneficial effect of the program in achieving a balance of supply with market requirements would be greatly diminished.

The record indicates that all producers should register no later than May 1 each year. This is necessary so that the committee will have sufficient time prior to June 15 to evaluate commitments of registering producers to grow and market celery in the ensuing season. June 15 is the final date for the committee to meet and adopt a marketing policy, including a recommended Marketable Quantity. The 45 day interval from May 1 through June 14 probably is the minimum amount of time needed to evaluate the industry's production capacity and its relationship to prospective market demands. The committee may find through experience that more time would be desirable. If it should be decided that registration should be required by some date other than May 1, the order should allow for such a change.

Proponent witnesses testified that although May 1 should normally be the final date for registration, a later date in 1977 should be specified by the Secretary, provided that such date be no later than July 31. Such a deadline is necessary because producers would not have sufficient time in which to adjust their farming operation to an allocation calculated on the basis of Base Quantities registered after July 31. The requested latitude in setting an initial registration date would permit the implementation of this feature of the proposal a year earlier than would otherwise be practicable and therefore should be provided.

(3) Paragraph (a) of § 967.38 Marketable Allotments should be revised to provide that the Uniform Percentage shall be calculated each year by dividing the Marketable Quantity by the total Base Quantities of producers who register with the committee. As discussed earlier, some Base Quantities may not be used every year. The inclusion of such Base Quantities in the calculation of the Uniform Percentage would distort the relationship between production capacity and market requirements, contrary to the objective of the order.

Such a change in calculation of the Uniform Percentage would require a conforming change in § 967.15 Uniform Percentage so that it would state that such percentage would be derived by dividing the Marketable Quantity by the total Base Quantities of registered producers as provided in § 967.38.

Also, paragraph (e) of § 967.38 Marketable Allotments should be revised to provide that the first 37,500 crates of all producers' Base Quantities shall be omitted in the calculation and application of the Uniform Percentage. The order presently specifies that only the Base Quantities of those producers with Base Quantities of 37,500 crates or less must be omitted in such calculations.

The objective of the current provision is to prevent undue hardship for the relatively small producers. Each year the Secretary determines the total amount of celery which should be marketed (Marketable Quantity). The Marketable Quantity is divided by the total Base Quantities of registered producers, with the result being the Uniform Percentage. This percentage is then applied to each producer's Base Quantity to determine each producer's annual sales allotment. However, the Base Quantities of the smaller producers, those with 37,500 crates or less of Base Quantity, are excluded from both the calculation and the application of the Uniform Percentage. Their annual sales allotments must be equal to (or in the event of a Uniform Percentage above 100 percent, larger than) their total Base Quantity. While this provision is beneficial to producers who choose to maintain a small celery business, it tends to discourage expansion on the part of other small producers. For example, a producer with a Base Quantity of 37,500 crates acquiring one additional crate of Base Quantity becomes subject to application of the Uniform Percentage; if such percentage were 90, his Marketable Allotment would be 33,751 crates. By acquiring the additional crate of Base Quantity, he would reduce his sales allotment by 3,750 crates.

The proposed revision would still protect the small producer from a reduction in his sales allotment. However, by exempting the first 37,500 crates of every producer's Base Quantity from application of the Uniform Percentage, a deterrent to expansion on the part of small producers would be eliminated.

A new paragraph (f) should be added to this section to provide that Marketable Allotments shall be issued only to those producers who register with the committee by May 1 each year. As discussed earlier herein, registration by producers to indicate their intent and commitment to produce and market celery is essential to effective operation of the order. Therefore, such a requirement is appropriate.

(4) Section 967.44 of the order should be amended to authorize production research. The order presently contains authority for the committee to undertake or finance marketing research and development projects and marketing promotion. Celery growers in Florida requested of the Secretary that the order be amended to authorize committee expenditures for production research to broaden the possibilities for reseach beneficial to the Florida celery industry and its customers.

The record indicates that the need for research on matters related to the production of celery is great. Producers of this crop are beset by a variety of problems ranging from those associated with attacks by disease and insects to the need for varieties better suited to the production area.

Expert witnesses testified to the continuing requirement for research in order to solve the severe problems caused in recent years by insects, particularly the leaf miner which is a relative newcomer on the local list of problem pests. Leaf miner infestations have sharply curtailed yields of good quality celery, and control efforts thus far have been only partially effective. Harmful soil organisms remain a problem, as do virus and root disease, and the various blights.

The improvement of existing varieties and development of new varieties might contribute significantly to the production of celery that is better able to withstand the attacks of the many pests. Varietal research may also lead ultimately to a reduced incidence of premature bolting or growth cracks, and lower the susceptibility of celery to damage by low temperatures.

Research in any or all of the aforementioned areas would contribute to lower costs and more efficient production. However, production research should not be limited to such areas. The committee should have broad and flexible authority for timely development of production research programs on any problems that arise.

In recent years, there has been active competition for research dollars within the agricultural community. Celery must share with many other crops, with similar production problems, the available research time, effort, and funds. Indications are that a relatively small amount of celery industry money, provided by the committee, will encourage research into the areas especially desired by the industry. The act provides that an assessment can be levied for specific purposes including production research. With these added funds, the committee can make a substantial commitment to such research.

Record evidence shows that currently most production research on celery in Florida is performed by public agencies, such as the University of Florida or the U.S. Department of Agriculture. Research funded by the committee would most likely also be carried out by such public agencies. However, this would not rule out having private organizations or the committee itself conduct such research.

All proposals for research must be submitted to the Secretary for approval. Also, the committee should have the authority to make any necessary changes in the format of the research project as long as it does not change the original objectives. Any change that required a greater expenditure of funds would require Departmental approval. Activity reports on research conducted should be issued by the committee annually, although interim reports on research projects may be issued. Reports should also be issued in writing or verbally by the organization conducting the research. All written reports should be provided to the Secretary and committee members as well as any other interested parties.

The record has demonstrated that a program of production research administered by the marketing order committee should have a positive effect upon the production of Florida celery, thereby increasing returns to growers. In view thereof, it is concluded that the order should be amended to authorize production research.

(2) A new § 967.63 should be added to the order to provide for the receipt of voluntary contributions to be used only for research and development projects. Record evidence indicates that research and market development projects for Florida celery directly benefit growers of that commodity, and secondarily benefit other groups and businesses whose interests are allied with the production and marketing of celery. These groups frequently desire to contribute resources to research and development projects and the order should provide that such contributions may be accepted by the committee. It is important, however, that the committee have complete control over the use of any contributions, which must be free of any encumbrances by the donor.

(6) Some of the amendatory actions included in this recommended decision require that certain conforming changes be made so that the order, as amended, will be in conformity with those actions. One such change (add a new paragraph (m) to § 967.31, *Duties*) is discussed with the issue to which it is pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed February 11, 1977, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. One brief was filed by John Joseph Cassidy, Esq., and Jamie S. Gorelick, Esq., on behalf of Gressinger and Sons. Every point in the brief was carefully considered along with record evidence in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions in the brief are inconsistent with findings and conclusions contained herein, requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with this recommended decision.

In addition to continuing proposed findings and conclusions on the material issues, the brief recommended that all information obtained by the committee concerning transactions, activities, and use being made of base quantities and marketable allotments be available to committee members. The act prohibits the disclosure of information that may affect detrimentally the business operations of the persons who furnish reports required under marketing orders. However, since the operation of this allocation program is inextricably involved with individual producers' base quantities and marketable allotments, this information should not be treated as confidential. All other information must remain confidential and in the custody of the committee staff, as required under § 967.73 of the order.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of celery grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such

different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of celery grown in the production area; and

(6) All handling of celery grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

RECOMMENDED AMENDMENT OF THE MARKETING AGREEMENT AND ORDER

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Revise § 967.15 to read as follows:

§ 967.15 Uniform percentage.

"Unform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities registered by producers as provided in § 967.38.

2. Revise § 967.25 to read as follows:

§ 967.25 Establishment and membership.

There is hereby established a Florida Celery Committee consisting of 16 members, including 15 producer or handler members and one public member to administer the terms and provisions of this part. Each shall have a respective alternate who shall have the same qualifications as the member.

3. Revise § 967.26 to read as follows:

§ 967.26 Eligibility.

Each member and alternate of the committee, except for the public member and alternate, shall be at the time of his selection and during his term of office, a producer or handler, or an officer or employee of a producer or handler in the group for which selected. The public member shall be neither a producer nor handler and shall have no direct financial interest in the production or marketing, except as a consumer, of agricultural products.

4. Revise § 967.27 by adding a new paragraph (f) to read as follows:

§ 967.27 Nominations.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 967.32 shall nominate a public member and alternate member of the committee. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary.

5. Amend § 967.31 by adding paragraph (m) to read as follows:

§ 967.31 Duties.

* * * * *

(m) To secure suitable candidates for the public member and alternate positions, and to nominate persons for such positions on the committee.

6. Amend § 967.37 to read as follows:

§ 967.37 Base Quantities.

(a) (1) Base Quantities for producers with a history of production and order participation for the period 1965–66 through 1976–77 shall be Base Quantities in effect for the 1976–77 season, as recorded by the Florida Celery Committee on December 15, 1976, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfers pursuant to § 967.39.

(2) Base Quantities for other producers shall be established pursuant to Base Quantity reserve as specified in paragraph (d) of this section, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfer pursuant to § 967.39.

(b) Periodically, but at least once each five years, the committee shall review Base Quantities and recommend any change in the formula, to be prescribed by the Secretary, for determining Base Quantities which may be deemed appropriate.

* * * * *

(d) (1) Beginning with the 1978/79 season, a reserve in the amount of six percent of the total Base Quantities shall be established annually. Such reserve may be used for the issuance of Base Quantities to new producers and adjustments in Base Quantities for producers with existing Base Quantities, with 50 percent being made available for new producers and 50 percent available for adjustments for producers with existing Base Quantities.

(2) Base Quantities issued to new producers shall be permanent, subject to requirements of § 967.37(e). Base Quantities issued to new producers shall not be transferrable within three years after issuance. Any adjustments in Base Quantities issued to producers with existing Base Quantities shall be effective for one season only and a new request by such producers for adjustment in Base Quantity shall be submitted each season.

(3) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent.

(4) Each person filing an application hereunder for a new Base Quantity or adjustment in an established Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 967.38(c) shall then apply.

(e) A condition for the continuing validity of a Base Quantity is production of celery thereunder. If no bona fide effort is made to produce and sell celery thereunder for two consecutive seasons commencing with the 1977–78 season, the Base Quantity may be declared invalid due to lack of use and cancelled at the end of the second season of nonproduction. The committee shall determine criteria, subject to approval by the Secretary, as to whether a bona fide effort has been made to produce and sell celery, including one requirement that the producer must have sold at least 50 percent of each of his seasonal Marketable Allotments, unless prevented from doing so by acts of God or other circumstances beyond his control.

(f) Annual registration of Base Quantity holders will be required no later than May 1 or such other date as may be approved pursuant to regulations. For the 1977–78 season Base Quantity holders shall register within 30 days following the effective date of this part but no later than July 31, 1977. Any Base Quantity holder who does not register or who has not made firm and substantial commitments to produce celery for the forthcoming season shall have his Base Quantity eliminated from the calculations in determining the Uniform Percentage. However, such procedure will not cause the Base Quantity holder to lose his Base Quantity.

7. Amend § 967.38 to read as follows:

§ 967.38 Marketable Allotments.

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers who have registered with the committee pursuant to § 967.37(f).

* * * * *

(e) The first 37,500 crates of each producer's Base Quantity shall be subtracted from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 967.38(a)). The Uniform Percentage for the first 37,500 crates will be 100 percent except when the Uniform Percentage calculated in this section (§ 967.38(a)) exceeds 100 percent in which event the higher percent shall be used.

(f) Marketable allotments shall be issued only to producers who have registered by May 1, or such other date pre-

scribed by the Secretary, and indicated firm and substantial commitments for the production of celery for the forthcoming season.

8. Revise the section heading and the first two sentences of § 967.44 to read as follows:

§ 967.44 Research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve or promote the marketing, distribution and consumption or efficient production of celery. The expenses of such projects shall be paid by funds collected pursuant to §§ 967.61 or 967.63.* * *

9. Add a new § 967.63 to read as follows.

§ 967.63 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 967.44. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

Signed at Washington, D.C., on March 29, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-9796 Filed 3-31-77;8:45 am]

[7 CFR Part 989]

[Docket No. AO-198-A9]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule

SUMMARY: This recommended decision would amend the Federal marketing agreement and order covering California raisins. It provides interested persons with the opportunity to file written exceptions concerning the recommendations made herein.

The major purpose of the recommended changes in the order is to improve operations. The principle changes would: (a) Streamline the definition of "varietal types" so all raisins with similar characteristics would be included in the same varietal type, regardless of the method of production or variety of grape used; (b) provide for grading requirements and grower district representation provisions to be relocated in the rules and regulations to facilitate reference; (c) simplify provisions to change grading requirements when price levels are below or above parity; and (d) make minor changes in the provisions pertaining to offering reserve tonnage raisins to handlers. Authority is also proposed to be added to designate certain raisins for production, processing, and marketing research and development projects and for exempting these raisins from any or all regulation under the order

DATE: Written exceptions to this recommended decision may be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. by April 22, 1977.

ADDRESS: Written exceptions should be filed in quadruplicate with the Hearing Clerk, Room 1077, South Building, U.S Department of Agriculture, Washington, D.C 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued October 21, 1976; published October 27, 1976 (41 FR 47059).

PRELIMINARY STATEMENT

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 41 FR 32412), regulating the handling of raisins produced from grapes grown in California, and of the opportunity to file written exceptions thereto.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing orders (7 CFR Part 900).

This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Fresno, CA, November 5, 1976, pursuant to notice thereof.

Material issues. The material issues of record are as follows:

(1) Revising the definition of "act", "varietal type"; adding definitions for "other failing raisins", and "raisin residual material"; and deleting the definition of "bleached raisins".

(2) Deleting provisions specifying grower districts for the purposes of grower representation on the committee; providing for the establishment of these provisions in rules and regulations; and making conforming changes in certain related provisions.

(3) Deleting provisions specifying incoming and outgoing grade standards; providing for the establishment of these standards in rules and regulations; simplifying provisions for changing these standards in below or above parity situations, and deleting related provisions which are no longer necessary.

(4) Adding provisions permitting establishment of procedures to give handlers the option of eliminating the initial inspection check for a certain defect on incoming raisins.

(5) Adding provisions for designating raisins for certain research and development and for exempting these raisins from any or all regulations under the order.

(6) Clarifying provisions on the substitution of reserve tonnage raisins; deleting authority for the establishment of minimum export prices for reserve tonnage raisins; and making minor changes in the provisions on offering reserve tonnage raisins to handlers.

(7) Clarifying provisions on handler services performed with respect to reserve tonnage raisins.

(8) Deleting an obsolete reference to the Raisin Advisory Board.

(9) Making such changes in the order as may be needed to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of hearing:

(1) The definition of "act" in § 989.2 should be revised to mean Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). This updates the citation contained in the definition, thereby covering the complete statutory authority pursuant to which the marketing agreement and order (hereinafter, in this text of the Findings and conclusions, collectively referred to as the "order") is operative. The citation (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047) is replaced by (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). In the notices of hearing, the proposed definition contained the date May 12, 1933, the effective date of Public Act No. 10, 73d Congress. At the hearing, the proponents recommended that this date be deleted because it was not needed.

When the order was established in 1949, it regulated the handling of raisins produced from Thompson Seedless, Muscat, Sultana, and Zante Currant raisin variety grapes grown in California. At that time, these comprised all of the varieties from which any appreciable volume of raisins were produced. The raisin industry recognized that raisins with differing characteristics due to the particular variety of grapes or the method of drying grapes into raisins, or both, could entail different regulatory treatment. Thus, the categorization of raisins into varietal types was established in conjunction with the application of quality and volume regulations.

In the ensuing years, the raisin industry became concerned that other grape varieties (table and wine) could be made into raisins and compete with raisins made from the traditional raisin variety grapes. These grape varieties included, but were not limited to, Alicante Bouschet, Cardinal, Carignane, Italia, Malaga, Monukka, and Zinfandel. So

that raisins produced from these grape varieties would be regulated, the order was amended in 1960 to cover all raisins made from grapes produced in California, and these table and wine grapes were added to the list of varietal types. At the same time, authority was added permitting the committee, with the approval of the Secretary, to change the list of varietal types to meet changing conditions in the future.

After operating under this extensive list of varietal types for approximately 10 years, the industry discovered that the categorization of the varietal types was so particularized that raisins with similar characteristics and market uses had been put into different varietal types. Needless to say, this categorization made differentiation for volume and quality regulations quite difficult. Also, the raisin industry found that certain varietal types had never been produced in commercial quantities. Furthermore, for some raisins there are no grade standards and these raisins have been inspected against the standards prescribed for the raisins they most closely resemble.

In 1973, the raisin industry determined that improved order operations could be achieved if raisins with similar characteristics would be treated as the same varietal type regardless of the variety of the grape or production processes used to dry the grapes into raisins. An example of this is the way raisins produced from Cardinal, Malaga, and Italia are treated. Raisins produced from these three varieties of grapes possess characteristics similar to Muscats and Valencias. Through rulemaking, they are being treated as Muscats and Valencias for regulatory purposes. To cite another example of varietal type combining, in 1975, it was determined through rulemaking that raisins produced by the various dipping methods possess characteristics so similar to each other that they should all be classed as one varietal type, Dipped Seedless.

To incorporate the changes already made on varietal types through rulemaking into the order, but in a somewhat broader degree, § 989.10 should be revised to describe seven varietal types. Each varietal type proposed is intended to be broad enough to include all raisins with similar characteristics and market uses regardless of the grape variety or method of drying used in producing the raisins. These varietal types should include: (1) Natural (sun-dried) Seedless, (2) Dipped Seedless, (3) Golden Seedless, (4) Muscats (including other raisins with seeds), (5) Sultana, (6) Zante Currant, and (7) Monukka. These raisins are generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. The section heading, varietal type, was used in the notice of hearing. This heading should be changed to "varietal types" to more accurately reflect the contents of the provisions in § 989.10.

Category (1), Natural (sun-dried) Seedless, should include all sun-dried seedless raisins that possess characteristics similar to natural Thompson Seedless raisins and which have not been dipped in or sprayed with water, with or without soda, oil, or other chemicals prior to or during the drying process. This varietal type would include raisins made from such grape varieties as Thompson Seedless, Emerald Seedless, or Perlette which are dried on the vine or dried after removal therefrom.

Category (2), Dipped Seedless, should include seedless raisins produced by sun-drying or other dehydration of grapes which have been dipped in or sprayed with water, with or without soda, oil, or other chemicals and which may or may not have been sulfured prior to drying. It would not include Golden Seedless raisins, but could include dried-on-the vine raisins. This varietal type would include raisins made from such grape varieties as Thompson Seedless, Emerald Seedless, and Perlette.

Category (3), Golden Seedless, should include raisins whose color varies from dark to golden yellow. The process for making these raisins is similar to the process for making Dipped Seedless raisins, but following the dipping process, Golden Seedless raisins are moved to a sulfur house and exposed to fumes of burning sulfur. After this, they are dried.

Category (4), Muscats (including other raisins with seeds) should include all raisins with seeds. Raisins produced from Muscat grapes (Muscat of Alexandria and Muscatel Gordo Blanco) would be the most common. However, raisins from such other grapes as Malaga, Valencia, Alicante Bouschet, Cardinal, Carignane, Italia, and Zinfandel would also be included. Muscat raisins are marketed in three forms: Loose, seeded, or layered. Loose are those where the stems are removed, but the seed is intact. Seeded Muscats have both stems and seeds removed. Layered Muscats are unstemmed and left in bunches.

Category (5), Sultana, should include all raisins with an undeveloped (vestigial) seed. The most prominent raisins in this varietal type are produced from Sultana grapes. They resemble natural Thompson Seedless, but are not as plump.

Category (6), Zante Currant, should include all raisins produced from Black Corinth or White Corinth grapes. They are darker than natural Thompson Seedless and very small.

Category (7), Monukka, should include raisins produced from Monukka and Black Imperial grapes. These raisins are usually larger, darker, and plumper than the other varietal types.

A distinction between natural and dipped-made raisins should only be made on seedless raisins, not raisins with seeds. At this time, the industry does not believe it is necessary to make this distinction and additional differentiation.

Types of raisins in the future may possess characteristics sufficient different from those known today to require separate identification and classification for the purposes of quality or volume regulation under the order. Should this occur, the new varietal type of raisin should be added to the list of varietal types by rulemaking and not necessitate formal amendment proceedings.

The inspection agency of the committee would be responsible for classing raisin lots by varietal types. Should any question arise as to the inspector's classification of any varietal type delivered, the tenderer should appeal to the committee. If an appeal is made, the committee should call on other experts in the industry to classify the raisins into one of the seven recommended types. If the raisin is new, possessing characteristics significantly different from those of the seven listed, then it should be added to the list by rulemaking.

The definitions of "other failing raisins" and "raisin residual material" in § 989.59(f) should be moved to that portion of the order devoted to "definitions" for convenient reference and to improve order organization. These definitions should be included in § 989.24 together with the definitions of the terms "standard raisins" and "off-grade raisins". "Other failing raisins" should be defined to mean any raisins received or acquired by a handler, either as standard raisins or off-grade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins. This definition is the same as that currently contained in § 989.59(f). "Raisin residual material" should be defined to mean defective raisins, stemmer waste, sweepings, and other residue accumulated by a handler from reconditioning raisins or from processing standard raisins and other failing raisins. Except for the deletion of the phrase "which may be received or acquired by a handler or", the definition is the same as currently contained in § 989.59(f). The phrase, which should be deleted, is used for regulatory purposes in § 989.59(f) and is not needed to define the term "raisin residual material".

In connection with moving the definitions of these two terms to § 989.24, conforming changes are needed in the definition of "off-grade raisins". The phrases "for the purposes of disposition" and "pursuant to § 989.59(f)" are no longer needed in the definition and should be deleted. With the deletion of these two phrases, "off-grade raisins" would mean raisins which do not meet the then effective minimum grade and condition standards for natural condition raisins: *Provided*, That raisins which are certified as off-grade raisins shall continue to be such until successfully reconditioned or become "other failing raisins". Section 989.13, Processor, and § 989.84, Disposition limitation, both contain parenthetical references to the definition of "other failing raisins" contained in § 989.59(f). These references are no longer needed and should be deleted. The current heading of § 989.24, Standard raisins, and off-grade raisins, was published in the notice of hearing. However, the heading should be changed to Standard raisins, off-grade raisins, other failing raisins, and raisin residual material to more accu-

rately reflect the provisions which would appear under the heading.

The term "bleached raisins" in § 989.6 should be deleted because the term is obsolete and will no longer be used under the order. The term covers (a) any raisins which have been produced by soda dipping, with or without oil, whether sun-dried or artificially dehydrated, or (b) any raisins which have been produced by soda dipping, sulfuring, and sun-drying. Outside the raisin industry, the term "bleach" and its various forms are used generally in connection with the removal of color. However, in the raisin industry, the term refers to a slowing down of the darkening process (oxidation) which occurs during drying. The longer it takes grapes to dry the darker the raisins become.

The types of raisins generally included under the term "bleached raisins" have been called Soda Dipped raisins, Sulfur Bleached raisins, and Valencia raisins. However, because the term means one thing to the raisin industry and another to persons outside the industry, the industry will no longer use this term under the order. Moreover, Soda Dipped raisins and Sulfur Bleached raisins would be classified as Dipped Seedless raisins, and Valencia raisins classified as Muscats under the recommended revision of § 989.10, Varietal types.

In connection with the deletion of this term, a conforming change should be made in § 989.8, Natural condition raisins, by deleting the words "with or without bleaching". Also, conforming changes should be made in the provisions in § 989.97 (Exhibit B) Grade and condition standards for natural condition raisins, when these requirements are moved to the rules and regulations as discussed under Material Issue (3).

(2) The provisions of § 989.96 specify several producer districts and the number of producers to represent the respective districts on the Raisin Administrative Committee. In 1967, these provisions were changed to require producer representation on the committee to be reviewed every three years for equitable producer representation and any necessary changes made. Pursuant to this mandate, changes were made and placed in the rules and regulations. Hence, provisions on district representation are either in the order or in the rules and regulations. This format requires a review of the applicable order provisions and the rules and regulations to be sure of finding all of the current district representation. To eliminate this and thus facilitate reference to grower district representation, § 989.96 should be deleted and the provisions on district representation prescribed in the rules and regulations. Thus, all such regulations would be in the same place and the current difficulties with the present format would be eliminated. Furthermore, the mandate for review makes this change logical and desirable.

The provisions currently in § 989.96 should be moved to the rules and regulations at or after the time the recommended amendment of the order becomes effective. The requirements contained in § 989.96 should remain in effect until October 1, 1977, and then be established in the rules and regulations.

In view of this recommended change, appropriate changes should be made in the provisions of § 989.22 District, § 989.26 Establishment and membership, and § 989.26a Changes in producer representation, as follows: (a) In § 989.22, the phrase "specified in § 989.96" should be changed to "designated in the rules and regulations"; (b) in the second sentence of § 989.26, the term "§ 989.96" should be changed to "the rules and regulations"; and (c) in the first sentence of § 989.26a, the term "§ 989.96" should be changed to "the rules and regulations".

(3) Under the order, all natural condition raisins tendered to the handler must meet minimum grade and condition standards before the handler is permitted to acquire or receive them. After the raisins are processed to the point where they can be classified as packed raisins, minimum standards for packed raisins are applied to them prior to shipment or final disposition. The minimum grade and condition standards for natural condition raisins (incoming grade standards) are closely related to those for packed raisins (outgoing grade standards), since raisins meeting the incoming standards have to be of a quality and condition that they would, when properly processed, meet the effective minimum grade standards for packed raisins.

Section 989.58(a) does not permit a handler to acquire or receive natural condition raisins which fail to meet the grade and condition standards set forth in § 989.97 (Exhibit B) or as later changed and then in effect. No handler may ship or otherwise make final disposition of packed raisins unless they at least meet the minimum grade standards for packed raisins specified in § 989.59-(a).

Changes in the applicable grade and condition standards are authorized pursuant to §§ 989.58(b) and 989.59(b). Numerous changes have been made in both, the natural condition and packed standards, by rulemaking since the standards have been effective. Hence, standards are prescribed in one part of the order and the changes are in rules and regulations. This format requires a review of the applicable order provisions and provisions in the rules and regulations to be sure of finding all of the current incoming and outgoing grade regulations.

To eliminate this and facilitate reference to the applicable regulations, the minimum grade and condition standards for natural condition raisins set forth in § 989.97 (Exhibit B), and the minimum grade standards for packed raisins in § 989.59(a), should be deleted and provision made for their establishment and relocation in the rules and regulations along with changes currently prescribed therein.

In order to permit the establishment of the grade and condition standards in the rules and regulations, that part of the first sentence of § 989.58(a) before the proviso, should be revised to provide that no handler shall acquire or receive natural condition raisins which fail to meet such minimum grade and condition standards as the committee may establish, with the approval of the Secretary, in applicable rules and regulations.

In the notice of hearing, it was proposed that the word "the" follow the infinitive "to meet" in the first sentence of § 989.58(a). Also, the word "raisins" in the first proviso was inadvertently omitted after the phrase "may receive off-grade". At the hearing, the proponents proposed that the word "such" be inserted in place of "the" because it is more exacting in conveying the intent of the provision, and that the word "raisins" be inserted after the phrase "may receive off-grade" in the first proviso.

Also, in the notice of hearing, the last sentence of § 989.58(a) was proposed to be amended by deleting the phrase "the acquisition or receipt of" after the phrase "this paragraph shall apply to". However, this phrase should be included in the last sentence of § 989.58(a) because its deletion alters the meaning of the sentence.

The proposal in the notice of hearing on revising § 989.59(a) merely brought the minimum grade standards for packed raisins into conformity with the recommended revision of varietal types discussed in Material Issue (1). However, the record evidence indicates that the minimum standards for packed raisins prescribed in paragraph (a) should be deleted and provision made for their establishment by rulemaking in rules and regulations. This change should be made for the same reason that the change in § 989.58(a) should be made; namely, to facilitate reference to the applicable regulations by eliminating the need to look in the order and the regulations. Therefore, § 989.59(a) should provide that unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective and applicable minimum grade and condition standards for natural condition raisins, or (2) ship or otherwise make final disposition of packed raisins unless they at least meet such minimum grade standards established by the committee, with the approval of the Secretary, in applicable rules and regulations or as later changed or prescribed pursuant to the provisions of paragraph (b) of § 989.59. The two provisos currently in paragraph (a) pertaining to the shipment or final disposition of varietal types of raisins for which no standards are in effect, and authorization to grind raisins which do not meet the minimum standards for packed raisins because of mechanical damage or sugaring, into a raisin paste, should be retained in the revision of § 989.59(a).

The grade and condition standards currently contained in § 989.97 (Exhibit B) and the standards for packed raisins currently specified in § 989.59(a) should

be moved to the rules and regulations at or after the time the recommended amendment of the order becomes effective. The requirements contained in § 989.97 (Exhibit B) and § 989.59(a) should remain in effect until October 1, 1977, and then be established in the rules and regulations. The temporary changes in the minimum grade standards for packed raisins (terminating November 30, 1977) set forth in § 989.202 of Subpart—Supplementary Regulation (41 FR 52645) should be recognized when establishing the minimum standards for packed raisins in the rules and regulations.

As indicated previously, § 989.58(b) provides, in part, that the committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins. Similarly, § 989.59(b) provides, in part, that the committee may recommend to the Secretary changes in the minimum grade standards for packed raisins of any varietal type prescribed in paragraph (a) of that section. Section 989.61(a) provides that the provisions of Part 989 relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the Act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in Section 2(1) of the Act. Section 2(3) authorizes the Secretary to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for certain agricultural commodities, other than milk and its products, in interstate commerce as will effectuate the orderly marketing of those commodities as will be in the public interest Many questions have been asked by the raisin industry over the years seeking clarification on the types of changes permitted pursuant to §§ 989.58(b) and 989.59(b), and the applicability of these changes in below, or above parity situations. Consistent with the legislative history of section 2(3) of the Act, minimum standards of quality are intended to keep off the market low quality, off-grade, culls, unclassified, or immature products, even though prices are above the parity level. Such action is intended to be in the interest of consumers, as well as in the interest of producers. Any changes in the minimum standards, whether temporary or permanent, to be applicable in above parity situations, must be justified in the public interest. Conditions may occur in any season necessitating changes in the minimum standards. These conditions can arise from many circumstances, including but not limited to, (a) crop conditions, (b) changes or advances in production, processing, and packaging technology, (c) conditions requiring more precise correlation between the incoming and outgoing standards, and (d) changes in economic factors affecting the orderly marketing of raisins in the public interest With respect to (a), there have been two years (1958 and 1976) in which a large portion of the raisin crop was badly damaged by rain. All-out efforts were made to salvage as much of the crops as possible. In both seasons, there were temporary relaxations in the minimum standards. The purpose of the relaxations was to permit the industry to salvage as much of those crops as possible, but still be able to market a product acceptable to consumers and other users. These changes were in the public interest. However, there have been instances in which raisin production was reduced because of weather, but changes in the minimum standards were unnecessary. For example, in 1972, the production of California raisins was drastically curtailed by freezes. Those raisins that were produced in the fall of 1972 were of acceptable quality, and the minimum standards were not changed. In 1973, production returned to normal, but because of depleted stocks and the need to fill pipelines, the demand for 1973 crop California raisins was extremely strong. The minimum standards were not changed that year. In both, the 1972–73 and 1973–74 crop years, the season average price to producers exceeded parity. Regarding (b), better processing machinery may be developed resulting in more efficient processing of raisins. For example, such machinery could achieve better removal of stems or capstems from the pack, thereby enabling a reduction in the tolerences for these defects and hence, a reduction in the amount of foreign material in the pack. With respect to (c), it may be found that a tolerance for a particular defect in the incoming grade and condition standards is too liberal in comparison with the tolerance for the same defect in the outgoing minimum grade standards for packed raisins. The defect may be of such a nature that it cannot be removed readily during processing, and if the incoming tolerance is not decreased the quality of the outgoing pack may be lower than the effective minimum standards for packed raisins. Regarding (d), circumstances such as farm labor problems including the high cost and difficulty in finding adequate help, may force the raisin industry to find an alternative method of harvesting raisins by mechanical means. This could affect the quality of the raisins harvested in such ways as increased mechanical injury and broken skin. If these defects do not affect eating quality, less restrictive tolerances for these defects may be appropriate.

Therefore, changes in the minimum standards should be authorized whether or not the estimated average season price to growers is above or below parity level. These changes may be of short term or long term duration. In order that any changes are effective in above parity situations, such should be based on a specific determination by the Secretary that these changes will effectuate the orderly marketing of raisins as will be in the public interest.

Accordingly, § 989.58(b) should be revised to provide that the committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins of any varietal type and may recommend to the Secretary that the minimum grade and condition standards for any varietal type be added or deleted. As discussed herein, such recommended changes may be more restrictive or may relax the minimum standards then in effect, and may be made whether or not the season average price to producers is above parity. Paragraph (b) should also provide that the committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of the data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

The notice of hearing did not contain a proposal to revise § 989.59(b). However, the record evidence indicates that the provisions of § 989.59(b) should be revised in conformity with the recommended changes in § 989.59(a) and to keep it properly related to § 989.58(b). Therefore, § 989.59(b) should provide that the committee may recommend changes in the minimum grade standards for packed raisins of any varietal type and may recommend to the Secretary that minimum grade standards for any varietal type be added or deleted. As in the case of changes pursuant to § 989.58(b), any changes pursuant to this paragraph may be more restrictive or may relax the minimum standards then in effect, and may be made whether or not the season average price to producers is above parity. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Unless a change pursuant to this paragraph is supported by a justification by the committee that it will effectuate the orderly marketing of raisins as will be in the public interest it should not be effective in above parity situations.

Provisions currently in § 989.61(b) include authorization, criteria, and limits for modifying the grade standards for natural condition and packed raisins when the parity level is exceeded. The recommended revision of §§ 989.58(b) and 989.59(b) makes this paragraph unnecessary and it should be deleted.

The first sentence of § 989.61 in the notice of hearing implies that the provisions on minimum grade and condition standards and inspection requirements and any other provisions pertaining to the administration and enforcement thereof are the only provisions under the order that continue in effect in above parity situations. However, other provisions under the order, such as those for expenses and assessments, reporting, and

research and development purposes also remain in effect in above parity situations. Therefore, the first sentence of § 989.61 in the notice of hearing should be amended by substituting the words "of the order" in place of "thereof".

(4) The proviso in § 989.58(d)(1) should be revised to provide that the initial inspection for infestation shall not be required if the raisins are fumigated in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. This proviso currently permits handlers to fumigate lots of natural condition raisins received by them prior to the completion of the inspection and certification process. It also eliminates the need to certify a lot as off-grade raisins, upon its receipt by a handler, if fumigation only is needed for the lot to be certified as standard raisins and the fumigation is performed successfully soon after the lot is received. However, because it may take up to a week before a handler has received a sufficient volume of raisins to fill a fumigation chamber or build a stack of raisins and cover it so fumigation can be performed, the completion of the inspection and certification process is unnecessarily delayed.

The recommended revision of the provisions in § 989.58(d)(1) would give handlers who have a policy of fumigating all incoming raisins the option of eliminating the inspection check for infestation at the time of receipt. Moreover, this revision would eliminate the unnecessary delay in the completion of inspection and certification, because these activities would not be interrupted for the fumigation process.

To the extent that handlers take advantage of this option and fumigate soon after completion of incoming inspection and certification, the quantity of natural condition raisins that can be initially certified as standard raisins would be increased, and the workload of the handlers, the committee, and the inspection agency would be reduced.

Authority should be provided for rules and regulations to prescribe such things as issuance of the inspection certificate prior to completion of fumigation, requirements that the raisin lots remain under the supervision of the inspection service during fumigation, and the determination by the inspection service that fumigation was successful.

(5) Authority should be added to the order for the ommittee to designate raisins for production, processing, and marketing research and development projects and for exempting the acquisition and disposition of these raisins from any or all regulations established under the order. The purpose of authorizing the committee to grant such exemptions is to encourage projects which will encourage cost savings and better raisins and raisin products. Such projects would be initiated without finanial support of the committee, but would be for the long-run benefit of the entire raisin industry.

The type of research contemplated under these provisions includes experimentation and development of new kinds of raisins (raisins made from other than the traditional raisin grapes) and new techniques in making raisins. For example, a number of growers have indicated interest in planting the new Fiesta grape for raisin production but are apprehensive, because they are not sure of the marketing possibilities. With respect to handlers, the possibility of having to set aside, under volume regulations, raisins for diversion is unattractive with respect to experimental raisins.

When the total handler acquisitions of raisins under an exemption granted by the committee, exceeds 500 natural condition tons or a larger quantity approved by the Secretary upon a recommendation of the committee the exemption should terminate. Also, each exemption granted for a particular research project should be for not more than five years. If the research project is not completed after the fifth year, the committee should review the progress made and decide whether or not the exemption should be continued.

To experiment with a new kind of raisin and conduct meaningful test market studies, a relatively large quantity of exempt tonnage is needed. The 500 natural condition ton limitation as set out above should be adequate for these purposes and is designed to encourage more than one producer or handler to participate in similar research. The record evidence indicates that the current industry view is a quantity greater than 500 tons would be of commercial significance, have an impact on the market, and should be subject to all regulations established under the order. However, the evidence indicates that should the 500 ton limitation turn out to be too restrictive in light of operational experience, the order should authorize an increase by the Secretary, upon a recommendation of the committee, and that formal amendment proceedings would be unnecessary. Five years is deemed ample time for completion of the types of research projects contemplated initially.

There was considerable discussion at the hearing on how the committee planned to administer these provisions. During the discussion, possible methods of administration were illustrated which would afford producers and handlers participating in such research activities maximum flexibility, and lessen the chances of noncompliance.

According to the record evidence, any request for such an exemption would be made by the producer or handler seeking the exemption at a committee meeting. The committee would review the request and decide whether or not the project involved a new kind of raisin or a new method of making raisins. If the project qualified, the committee would determine which regulations would not apply and the period of time the exemption would be granted. If the committee granted the exemption, all producers and handlers would be notified of the project, the regulations from which the raisins were exempt, and the length of time for which the exemption was approved. Notices would be sent to all handlers and releases would be made through news media.

It is contemplated that an application system would be used by the committee so it would not grant exemptions for the same research project for more than 500 total tons in any one crop year. In other words, each producer or handler requesting an exemption for the particular raisins and research project would indicate the quantity of such raisins they expected to produce or market. When the 500-ton limitation set out above was reached for a specific project, no further exemptions would be granted by the committee.

The committee should maintain a complete record of all exempt acquisitions and shipments. All acquisitions and receipts by handlers are reported to the committee by handlers on a weekly basis, broken down by varietal type indicating the quantities held for reconditioning. Shipments are reported monthly, broken down by destinations, varietal type, and pack. Also, the record evidence indicates that any exempt tonnage will be kept under surveillance by committee management until disposed of by the handlers.

The method of administration of these provisions should be based on the committee's study and operating experience under these provisions. The provisions should not identify a specific means of administration, but merely provide a broad framework upon which the committee can base its decision to grant exemptions. Thus, if the initial method of administering the provisions turns out to be defective in some way, the committee could seek other means of administration.

The proposal in the notice of hearing required the Secretary to approve the exemptions granted by the committee. However, at the hearing it was determined that approval of the Secretary was not needed because no committee funds would be used for the research, and the committee could administer the provisions adequately. Also, the proposal in the notice of hearing limited the research covered under the provisions to new grape varieties and kinds of raisins, and new drying methods. The record evidence indicates that the language of the provisions should be broadened to include production, processing, and marketing research and development to afford the industry the greatest flexibility possible in operating under these provisions.

In view of the foregoing, a new paragraph (c) should be added to § 989.60 providing that the committee may designate such raisins as it deems appropriate for production, processing, and marketing research and development. The period of such designation shall be for not more than five years unless extended by the committee. The volume which may be acquired by all handlers shall not exceed 500 natural condition tons annually, unless increased by the Secretary upon a recommendation of the committee. Such designated raisins may be acquired and disposed of free from those regulations specified by the committee. In any crop year, when the total industry acquisitions of designated raisins exceed 500 natural

condition tons or a larger quantity approved by the Secretary upon a recommendation of the committee, the exemption shall not apply.

(6) The first sentence of § 989.66(b)(3) currently specifies procedures for handlers to substitute for any quantity of reserve tonnage raisins a like quantity of free tonnage raisins of like quality and varietal type of the same or more recent year's production. A literal interpretation of the requireemnt that the free tonnage raisins substituted for the reserved tonnage raisins be "like quality" would require the free tonnage to be Grade A if the reserve tonnage was Grade A, the free tonnage to be Grade B if the reserve tonnage was Grade B, and so forth. However, this is different from how the committee is administering this provision. Since all raisins acquired by handlers must be standard raisins (i.e., raisins meeting the then effective minimum grade and condition standards for natural condition raisins), and handlers are only required to hold standard raisins to satisfy their respective reserve obligations, the committee has permitted handlers to substitute standard raisins for reserve tonnage raisins. Therefore, for the purpose of bringing the current requirement in line with committee application, the first sentence of § 989.66(b)(3) should provide that each handler may, under the direction and supervision of the committee, substitute for any reserve tonnage raisins a like quantity of standard raisins of the same varietal type and of the same or more recent year's production.

The provisions in § 989.67(d)(1) authorizing the establishment of minimum export prices (packer resale prices) for reserve tonnage raisins should be deleted. The committee has not established minimum export prices for nearly 10 years. Currently, there is no need for minimum export prices and no likelihood that any would be established in the foreseeable future.

In an order amendment effective August 4, 1976 (41 FR 32412), provisions pertaining to offers of reserve tonnage to handlers for free tonnage replacement were modified to permit the committee to make such replacement offers at any time prior to the committee's first offer to sell reserve tonnage raisins from a new crop year.

However, in that amendment action the provisions which require the committee to announce the price for replacement tonnage prior to or at the beginning of the crop year were not changed. The time when the committee may make a replacement offer and the price announcement should be the same. To accomplish this, the second sentence of § 989.67(f) should specify that the committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for reserve tonnage in the first offer of the crop year.

Section 989.67(j) currently authorizes the committee to sell reserve tonnage raisins to handlers to provide them with raisins to sell as free tonnage in the event (among others) of national emergency, crop failure, changes in economic or marketing conditions, or inadequate carryover. Such offers are made to handlers in the same maner as in § 989.67(d)(1) and shares are determined on the basis of handler acquisitions pursuant to § 989.67(d)(2). To provide more flexibility in the disposition of reserve tonnage raisins, the shares of any such offer should be determined on the basis of either handler acquisitions or shipments. The general intent of this proposal is to provide those handlers who have demonstrated that they can use more raisins with additional free tonnage.

Handlers normally do not acquire more raisins than they need to meet trade requirements. However, incorrect marketing decisions can result in significant differences between acquisitions and shipments. Historically, in the raisin industry, increases in free tonnage shipments have not been distributed among all handlers equally because market expansion can be the result of the intensive marketing efforts of some handlers, but not others. In these instances, basing the shares of any such offer on handler shipments would make additional tonnage available to those who have been expanding markets for free tonnage raisins. Basing the shares on acquisitions in this situation would be contrary to the purpose of augmenting the supply of free tonnage with reserve tonnage to meet increased market demand, since handlers not needing tonnage would be given the opportunity to purchase it. To afford maximum flexibility of operations under this provision, the decision as to the basis of determining shares of any such offer should rest solely with the committee.

Each proposal to make such offers would be considered by the committee in light of information available at the time. Hence, if more than one offer is needed during a crop year, it could happen that the determination of shares in one offer may be based on handler acquisitions and shares of the other may be based on handler shipments.

Section 989.54(d) authorizes the committee to make offers of reserve tonnage raisins for use as free tonnage for reasons other than specified in § 989.67(j), and this should be recognized in § 989.67(j). Two such offers are required to be made to handlers pursuant to § 989.54(d). The first offer is an adjustment offer of 10 percent of the previous year's shipments which is allocated to handlers on the basis of their prior year's acquisitions to enable them to acquire a quantity of raisins equal to their prior year's shipments. The second offer is a growth offer of an equal percentage which is made simultaneously to handlers based on their prior year's shipments to provide them with additional raisins for market expansion if they desire it.

The proposal published in the notice of hearing and the record evidence state that the second sentence of § 989.67(j) should provide that any quantities of reserve raisins offered to handlers for free use, except as provided in § 989.54(d), may be offered to them on the basis of shipments or acquisitions and if on the basis of acquisitions shall be offered in the same manner as in subparagraph (1) of paragraph (d) of § 989.67, with shares determined pursuant to subparagraph (2) of paragraph (e) of that section. However, the manner and procedures were not specified for offers based on handler shipments. So that the manner in making offers based on shipments will conform with the manner of making offers on the basis of acquisitions, the procedure (formula) for determining handlers' shares should be the same as that for acquisitions except that shipments should be used as the basis instead of acquisitions. Moreover, the procedure for determining handlers' shares is contained in paragraph (d)(2) of § 989.67, not paragraph (e)(2). Thus, the reference should be corrected to subparagraph (2) of paragraph (d).

In view of the foregoing, the second sentence of § 989.67(j) should provide that any quantities of reserve raisins offered to handlers for free use, except as provided in § 989.54(d), may be offered to them on the basis of handler shipments or acquisitions in the same manner as in subparagraph (1) of paragraph (d) of this section. If offered on the basis of acquisitions, shares shall be determined pursuant to subparagraph (2) of paragraph (d) of this section; if offered on the basis of shipments, the same formula shall be used, except that shipments shall be used as the basis instead of acquisitions in computing handlers' shares.

(7) Under the order, raisin handlers are compensated for services performed with respect to reserve tonnage raisins held for the account of the committee. Such services now include receiving, handling, storing and fumigation. Fumigation has been paid as part of the total package of handler services for a number of years. Therefore, for clarification purposes, the word "fumigating" should be added after the word "receiving" in the first sentences of §§ 989.80(a) and 989.82, and after the word "storing" in the next-to-the-last sentence of § 989.79.

(8) In an order amendment effective August 4, 1976 (41 FR 32412), the Raisin Advisory Board and Raisin Administrative Committee were abolished and replaced with a new administrative committee and an executive operations committee, respectively. As a conforming change, all references to the Board were deleted or changed to "committee". However, one conforming change was inadvertently overlooked in § 989.80(c), regarding funds needed to carry out the functions of the Board. Since funds for the Board are not needed, the fourth sentence of § 989.80(c) should read: "In order to provide funds to carry out the functions of the committee the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against such handler during the crop year".

(9) Some of the amendatory actions included in this recommended decision

require conforming changes elsewhere in the order, as amended. Such changes have been discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the beginning of the hearing, the Administrative Law Judge fixed November 26, 1976, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except the findings as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of raisins produced from grapes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of raisins produced from grapes grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate of foreign commerce or directly burdens, obstructs, or affects such commerce.

RECOMMENDED AMENDMENT OF THE MARKETING AGREEMENT AND ORDER

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 989.2 is revised to read:

§ 989.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 989.6 [Deleted]

2. Section 989.6 is deleted.

§ 989.8 [Amended]

3. Section 989.8 is amended by deleting the phrase "with or without bleaching".

4. Section 989.10 is revised to read:

§ 989.10 Varietal types.

"Varietal types" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. Varietal types are the following: Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), Sultana, Zante Currant and Monukka: *Provided*, That the committee may, subject to approval of the Secretary, change this list of varietal types.

§ 989.13 [Amended]

5. Section 989.13 is amended by deleting the phrase "(as defined in paragraph (f) of § 989.59)".

6. Section 989.22 is revised to read:

§ 989.22 District.

"District" means any one of the geographical areas referred to in §§ 989.26 or 989.43, and designated in the rules and regulations.

7. Section 989.24 is amended by revising the section heading and paragraph (b), and adding new paragraphs (c) and (d), to read:

§ 989.24 Standard raisins, off-grade raisins, other failing raisins, and raisin residual material.

(a) * * *

(b) "Off-grade raisins" means raisins which do not meet the then effective minimum grade and condition standards for natural condition raisins: *Provided*, That raisins which are certified as off-grade raisins shall continue to be such until successfully reconditioned or become "other failing raisins".

(c) "Other failing raisins" means any raisins received or acquired by a handler, either as standard raisins or off-grade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins.

(d) "Raisin residual material" means defective raisins, stemmer waste, sweepings, and other residue accumulated by a handler from reconditioning raisins or from processing standard raisins and other failing raisins.

8. The second sentence of § 989.26 is revised to read:

§ 989.26 Establishment and membership.

* * *. The producer members shall be selected in the number and for the districts as designated in the rules and regulations, or as such number or districts may be authorized pursuant to § 989.26a. * * *

9. The first sentence of § 989.26a is revised to read:

§ 989.26a Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee, may change the number of districts designated in the rules and regulations, may redefine such districts into which the production area is divided, or may change the number of producer members which shall be selected to represent particular districts. * * *

10. Paragraphs (a) and (b) and the proviso in paragraph (d)(1) of § 989.58 are revised to read:

§ 989.58 Natural condition raisins.

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet such minimum grade and condition standards as the committee may establish, with the approval of the Secretary, in applicable rules and regulations: *Provided*, That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning and may receive or acquire off-grade raisins for disposition in eligible nonnormal outlets: *And provided further*, That a handler may acquire natural condition raisins which exceed the tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the committee and approved by the Secretary. Nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade and condition standards are not applicable or then in effect pursuant to this part.

(b) *Changes in minimum grade and condition standards for natural condition raisins.* The committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins of any varietal type and may recommend to the Secretary that minimum grade and condition standards for any varietal type be added or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of the data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

* * * * *

(d) (1) * * *: *Provided*, That the initial inspection for infestation shall not be required if the raisins are fumigated in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. * * *

* * * * *

11. Paragraphs (a) and (b) of § 989.59 are revised to read:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulations*. Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective and applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet such minimum grade standards established by the committee, with the approval of the Secretary, in applicable rules and regulations or as later changed or prescribed pursuant to the provisions of paragraph (b) of this section: *Provided*, That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins of a particular varietal type for which minimum standards are not applicable or then in effect pursuant to this part; *And provided further*, That a handler may grind raisins, which do not meet the minimum grade standards for packed raisins because of mechanical damage or sugaring into a raisin paste.

(b) The committee may recommend changes in the minimum grade standards for packed raisins of any varietal type and may recommend to the Secretary that minimum grade standards for any varietal type be added or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

* * * * *

§ 989.59 [Amended]

12. Section 989.59(f) is amended by deleting the phrase "(including defective raisins, stemmer waste, sweepings, and other residue)" from the first sentence and by deleting the comma following "standard raisins", and the second sentence.

13. A new paragraph (c) is added to § 989.60 to read:

§ 998.60 Exemption.

* * * * *

(c) The committee may designate such raisins as it deems appropriate for production, processing, and marketing research and development. The period of such designation shall be for not more than five years unless extended by the committee. The volume which may be acquired by all handlers shall not exceed 500 natural condition tons annually for each designated project, unless increased by the Secretary upon a recommendation of the committee. Such designated raisins may be acquired and disposed of free from those regulations specified by the committee. In any crop year, when the total industry acquisitions of the designated raisins exceed 500 natural condition tons or a larger quantity approved by the Secretary upon a recommendation of the committee, the exemption shall not apply.

14. Section 989.61 is revised to read:

§ 989.61 Above parity situations.

The provisions of this part relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement of the order, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the act.

15. The first sentence of subparagraph (3) in § 989.66(b) is revised to read:

§ 989.66 Reserve tonnage generally.

* * * * *

(b) * * *

(3) Each handler may, under the direction and supervision of the committee, substitute for any reserve tonnage raisins a like quantity of standard raisins of the same varietal type and of the same or a more recent year's production. * * *

* * * * *

16. The last sentence of § 989.67(d)(1) is deleted, and the second sentences of paragraphs (f) and (j) of § 989.67 are revised to read:

§ 989.67 Disposal of reserve raisins.

* * * * *

(f) * * *. The committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for reserve tonnage in the first offer of the crop year. * * *

* * * * *

(j) * * *. Any quantities of reserve raisins offered to handlers for free use, except as provided in § 989.54(d), may be offered to them on the basis of handler shipments or acquisitions in the same manner as in subparagraph (1) of paragraph (d), of this section. If offered on the basis of acquisitions, shares shall be determined pursuant to subparagraph (2) of paragraph (d) of this section. If offered on the basis of shipments, the same formula shall be used, except that shipments shall be used as the basis instead of acquisitions in computing handlers' shares. * * *

§ 989.79 [Amended]

§ 989.80 [Amended]

§ 989.82 [Amended]

17. The word "fumigating" is added after the word "receiving" in the first sentences of § 989.80(a) and 989.82, and after the word "storing" in the next-to-the-last sentence of § 989.79.

18. In the fourth sentence of § 989.80(c), the words "and the Board" immediately following the words "functions of the committee" are deleted.

§ 989.84 [Amended]

19. Section 989.84 is amended by deleting the phrase "(as defined in § 989.59(f))".

§ 989.96 [Deleted]

20. Section 989.96 is deleted, effective October 1, 1977.

§ 989.97 [Revoked]

21. Section 989.97(Exhibit B) is deleted, effective October 1, 1977.

Signed at Washington, D.C. on March 28, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-9717 Filed 3-31-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 213]

OIL IMPORT REGULATIONS

Allocations for the Period May 1, 1977 Through April 30, 1978; Cancellation of Hearing

On March 15, 1977, the Federal Energy Administration (FEA) issued proposed regulations amending Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, to provide for the commencement of the next allocation period, and to reduce accordingly the level of fee-exempt allocations (42 FR 15317, March 21, 1977). Due to a lack of interest, the public hearing scheduled for April 4, 1977 has been cancelled. In all other respects, the notice remains the same.

Issued in Washington, D.C., March 29, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-9853 Filed 3-30-77;9:29 am]

[10 CFR Part 440]

WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

Proposed Rulemaking

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend Chapter II of Title 10, Code of Federal Regulations, to establish a program of weatherization assistance for low-income persons pursuant to Part A, 42 U.S.C. 6861-6870, of Title IV of the Energy Conservation and Production

Act (Act), Pub. L. 94-385, 90 Stat. 1125 et seq. These proposed regulations set forth the requirements for the development and implementation of a weatherization assistance program to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwellings of low-income persons, particularly elderly and handicapped low-income persons, in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.

FEA will receive written comments and hold public hearings with respect to this proposal. This proposal is currently undergoing further interagency review, and FEA accordingly expects the final rulemaking to reflect comments from other Federal agencies as well as from other interested persons.

DATES: Written comments must be received on or before April 25, 1977. Hearings shall be held on the dates and the places indicated below.

ADDRESS: Federal Energy Administration, Box LN, Executive Communications, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Ms. Mary Bell, Director, Office of Weatherization Assistance. (202-566-3091.)

SUPPLEMENTARY INFORMATION: The Act authorizes FEA, after consultation with the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Director of the ACTION Agency and in coordination with the Director of the Community Services Administration (CSA), to promulgate regulations in order to carry out the provisions of the Act establishing the weatherization program. The Act authorizes fifty-five million dollars for the purpose of carrying out the weatherization assistance program for fiscal year 1977, sixty-five million for 1978, and eighty million for 1979. However, the actual amounts available for the weatherization assistance program during this period will depend upon the appropriations made available in each fiscal year for this program, within the ceiling of the authorization.

In the process of developing this proposed rulemaking FEA consulted with other Federal agencies, coordinated its development with CSA, and circulated earlier staff drafts to the Regional Offices of FEA which distributed copies to the States and other persons. Substantive comments were considered by FEA and are summarized and discussed below. While the proposed rulemaking sets forth FEA's current views on the appropriate design of the program, FEA is fullly prepared to modify any aspect of the program, as justified from comments received on this proposal and by any other relevant information available to FEA in the preparation of final program regulations. While FEA is requesting comments on all aspects of the proposal, it is particularly interested in receiving comments on the specific issues identified and discussed below.

ELEMENTS OF THE PROGRAM

The program is a voluntary grant-in-aid program. In most cases, it is expected that grants will be made to the States to be used for the conduct of weatherization projects throughout the States. However, in cases where a State does not participate in the program, a Community Action Agency (CAA) or a unit of general purpose local government may apply directly for a grant. In appropriate circumstances tribal organizations within a given State may receive grants whether or not the State is also a grantee.

A. *Allocation of Funds.* Section 414(a) of the Act requires that FEA develop a funding formula on the basis of the relative need for weatherization assistance among low-income persons throughout the States. FEA is required to take into account the number of dwelling units to be weatherized; climatic conditions; the type of weatherization work to be done; and such other factors as FEA determines are necessary.

Section 440.10 of the proposed regulations proposes a formula for the allocation of program funds among the States. This allocation, however, does not alone commit FEA to award a portion of or the total amount, allocated as a grant to a State, or other eligible applicant within the State. Funding will only be made to a State or eligible applicant whose application conforms to program requirements, as determined by FEA, and subsequent to execution of a grant agreement. The design of the proposed formula is discussed below.

Allocation by State for fiscal year 1977 under the proposed formula would be as follows:

Alabama: $100,000 plus 0.88 percent of rest.
Alaska: $100,000 plus 0.55 percent of rest.
Arizona: $100,000 plus 0.22 percent of rest.
Arkansas: $100,000 plus 0.85 percent of rest.
California: $100,000 plus 2.34 percent of rest.
Colorado: $100,000 plus 1.99 percent of rest.
Connecticut: $100,000 plus 1.21 percent of rest.
Delaware: $100,000 plus 0.21 percent of rest.
District of Columbia: $100,000 plus 0.25 percent of rest.
Florida: $100,000 plus 0.21 percent of rest.
Georgia: $100,000 plus 0.92 percent of rest.
Hawaii: $0 plus 0.00 percent of rest.
Idaho: $100,000 plus 0.72 percent of rest.
Illinois: $100,000 plus 6.71 percent of rest.
Indiana: $100,000 plus 3.02 percent of rest.
Iowa: $100,000 plus 2.90 percent of rest.
Kansas: $100,000 plus 1.36 percent of rest.
Kentucky: $100,000 plus 2.12 percent of rest.
Louisiana: $100,000 plus 0.42 percent of rest.
Maine: $100,000 plus 1.38 percent of rest.
Maryland: $100,000 plus 1.23 percent of rest.
Massachusetts: $100,000 plus 2.86 percent of rest.
Michigan: $100,000 plus 6.43 percent of rest.
Minnesota: $100,000 plus 5.61 percent of rest.
Mississippi: $100,000 plus 0.59 percent of rest.
Missouri: $100,000 plus 3.17 percent of rest.
Montana: $100,000 plus 1.01 percent of rest.
Nebraska: $100,000 plus 1.48 percent of rest.
Nevada: $100,000 plus 0.14 percent of rest.
New Hampshire: $100,000 plus 0.70 percent of rest.
New Jersey: $100,000 plus 2.67 percent of rest.
New Mexico: $100,000 plus 0.68 percent of rest.
New York: $100,000 plus 9.91 percent of rest.
North Carolina: $100,000 plus 1.55 percent of rest.
North Dakota: $100,000 plus 1.31 percent of rest.
Ohio: $100,000 plus 6.10 percent of rest.
Oklahoma: $100,000 plus 1.06 percent of rest.
Oregon: $100,000 plus 1.22 percent of rest.
Pennsylvania: $100,000 plus 7.26 percent of rest.
Rhode Island: $100,000 plus 0.65 percent of rest.
South Carolina: $100,000 plus 0.58 percent of rest.
South Dakota: $100,000 plus 1.11 percent of rest.
Tennessee: $100,000 plus 1.82 percent of rest.
Texas: $100,000 plus 1.32 percent of rest.
Utah: $100,000 plus 0.82 percent of rest.
Vermont: $100,000 plus 0.53 percent of rest.
Virginia: $100,000 plus 1.81 percent of rest.
Washington: $100,000 plus 2.02 percent of rest.
West Virginia: $100,000 plus 1.63 percent of rest.
Wisconsin: $100,000 plus 0.44 percent of rest.
Wyoming: $100,000 plus 0.44 percent of rest.

Under the proposed allocation formula, the first $5 million of appropriated funds would be allocated equally among the States. This would amount to an allocation of $10,000 to be budgeted for administration under the 10 percent statutory ceiling on administrative expenses. FEA has determined that the program cannot be adequately administered within a State with a lower administrative budget.

The percent of each State's share of the remaining appropriated funds beyond the first $5 million is proposed to be determined as follows:

$$\text{Sum for all States.} \left(\frac{0.587\ (\text{heating})^2}{(\text{owners})} + \frac{0.033\ (\text{cooling})^2}{+0.5\ (\text{renters})}\right) \times 100$$

Where:
0.587 is the percentage of total residential energy consumed nationwide for heating.
"Heating" is the number of annual heating degree-days in the State.
0.033 is the percentage of total residential energy consumed nationwide for cooling.
"Cooling" is the number of annual cooling degree-days in the State.
"Owners" is the number of low-income owner occupied units within the State.
"Renters" is the number of low-income renter occupied units within the State.

1. *Number of low-income homes.* The number of low-income homes in all of the States consists of total owner-occupied low-income units and total renter-occupied low-income units. This information was obtained from the "Public Use Sample of Basic Records from the 1970 Census" (the most recent figures available) by means of a computer tabulation. The number of owner-occupied and renter-occupied low-income homes, by State, for purposes of the proposed formula has been determined to be as follows:

TABLE II.—*Low-income homes by State*

	Owner occupied	Renter occupied	Total
State:			
Alabama	135,2	132,9	268,1
Alaska	5,2	2,8	8,0
Arizona	45,5	40,1	85,6
Arkansas	98,7	78,8	177,5
California	278,9	515,7	794,6
Colorado	41,8	55,4	97,2
Connecticut	29,8	51,3	81,1
Delaware	10,6	9,7	20,3
District of Columbia	6,8	34,5	41,3
Florida	227,8	182,5	410,3
Georgia	129,0	166,7	295,7
Hawaii	6,5	17,2	23,7
Idaho	18,6	14,7	33,3
Illinois	183,0	260,5	443,5
Indiana	117,0	83,6	200,6
Iowa	81,5	49,7	131,2
Kansas	70,3	52,8	123,1
Kentucky	130,4	110,4	240,8
Louisiana	144,9	143,7	288,6
Maine	27,4	19,2	46,6
Maryland	51,9	80,3	132,2
Massachusetts	64,5	124,1	188,6
Michigan	173,7	138,1	311,8
Minnesota	95,4	61,8	157,2
Mississippi	114,2	104,1	218,3
Missouri	155,4	119,0	274,4
Montana	16,5	17,3	33,8
Nebraska	46,9	32,3	79,2
Nevada	7,3	9,7	17,0
New Hampshire	14,4	13,7	28,1
New Jersey	85,9	133,9	219,8
New Mexico	36,9	28,5	65,4
New York	209,3	558,5	767,8
North Carolina	151,6	155,3	306,9
North Dakota	18,6	12,7	31,3
Ohio	204,5	217,8	422,3
Oklahoma	107,4	75,1	182,5
Oregon	52,0	47,9	99,9
Pennsylvania	250,4	250,9	501,3
Rhode Island	17,0	29,4	46,4
South Carolina	88,2	92,0	180,2
South Dakota	25,2	14,3	39,5
Tennessee	147,0	134,1	281,1
Texas	355,5	302,9	685,4
Utah	21,3	22,1	43,4
Vermont	10,3	8,7	19,0
Virginia	114,6	107,4	222,0
Washington	67,2	75,1	142,3
West Virginia	77,6	58,3	135,9
Wisconsin	92,8	73,6	166,4
Wyoming	8,2	7,6	15,8
Total	5,128,7	4,670,6	9,799,3

Source: Special tabulation of "Public Use Sample of Basic Records from the 1970 Census," (15 pct) 1/100 file, Federal Energy Administration, Washington, D.C.

In developing figures on number of low-income homes, FEA has assumed that the number of renter-occupied dwelling units is roughly equivalent to the number of multi-family dwelling units and that the cost of weatherizing multi-family units is on the average no more than half the cost of weatherizing a single-family dwelling unit (due to frequent absence of need for floor or attic insulation). Therefore, FEA proposes to include a factor of 0.5 in the formula, thereby giving half the weight to the number of renter-occupied dwelling units as is given to the number of owner-occupied dwelling units. FEA proposes assigning a 0.5 factor to renter-occupied dwelling units because, although an approximation, it represents a reasonable and workable correlation between the cost of weatherizing such a dwelling unit and the greater cost of weatherizing single-family dwelling units.

One Governor disagreed and stated that by discounting the number of renter-occupied dwellings the formula provides proportionately fewer benefits for the "poorer poor" who tend to occupy rental housing. In his view, this effect would be mitigated if the formula were to be based on the total number of dwelling units in a State occupied by low-income occupants. The Energy Advisory Council to another Governor, however, supported the proposed approach.

2. *Degree days.* A second factor evaluated by FEA in the development of the proposed allocation formula is the impact of climatic conditions. Heating and cooling degree-day data is used in the proposed formula as a measure of the severity of climate. The degree-day data were prepared by the National Oceanic and Atmospheric Administration (NOAA) for each State, with the exception of Alaska. The number of degree-days for each State is a population-weighted average of the climatological normal (1941–1970) degree-days for each weather station within the State. The degree-day data for Alaska were derived using data from Climatography of the United States No. 81 (by State), August 1973, Environmental Data Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The number of degree days, by State, for purposes of the proposed formula, has been determined to be as follows:

TABLE III.—*1941–70 State heating degree-day normals (population weighted)*

Stations	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Seasonal
Alabama	0	0	6.7	119.6	363.5	585.6	631.9	491.9	371.1	101.6	23.1	0.5	2,695.3
Arizona	0	.1	5.2	66.8	288.9	500.2	540.2	398.1	319.1	139.3	35.9	4.4	2,298.2
Arkansas	.1	.5	12.5	138.3	421.4	689.8	755.7	585.2	450.2	129.6	24.3	.6	3,214.2
California	11.1	11.6	24.2	117.8	300.7	470.5	513.2	401.0	390.4	266.8	156.6	64.6	2,728.5
Colorado	21.7	37.0	206.5	501.1	863.6	1,116.8	1,198.8	995.0	963.4	613.1	351.3	135.9	7,004.3
Connecticut	2.3	16.8	104.6	367.3	673.0	1,070.3	1,179.1	1,019.5	884.4	523.4	250.3	38.3	6,129.7
Delaware	0	.2	39.0	251.2	557.1	911.8	985.1	849.1	701.8	363.1	119.0	2.8	4,780.2
Florida	0	0	0	5.2	67.9	176.7	199.2	165.1	80.8	8.7	.1	0	703.7
Georgia	0	0	7.4	114.9	356.4	588.8	615.7	492.9	371.7	108.9	26.3	1.1	2,684.0
Idaho	20.3	43.9	211.1	510.6	862.3	1,137.1	1,245.1	959.5	881.9	563.6	329.1	152.7	6,917.2
Illinois	3.2	10.1	73.7	321.3	732.5	1,125.8	1,250.4	1,032.4	855.6	426.8	193.7	32.2	6,057.7
Indiana	4.6	10.9	74.6	316.4	697.5	1,064.2	1,162.1	973.5	806.7	400.6	176.1	25.8	5,713.0
Iowa	10.0	17.9	117.4	373.4	825.4	1,247.9	1,413.7	1,145.1	961.9	468.9	208.1	44.3	6,834.0
Kansas	4.0	3.8	50.0	232.9	623.5	970.0	1,075.6	829.9	701.8	291.7	102.6	14.3	4,900.2
Kentucky	.6	1.1	42.3	237.4	571.9	868.1	935.6	775.3	623.3	257.4	93.5	7.3	4,413.8
Louisiana	0	0	0.1	49.2	208.1	382.2	458.0	336.7	229.6	36.9	.7	0	1,701.5
Maine	30.8	71.6	223.8	525.1	842.4	1,297.3	1,437.9	1,254.5	1,088.6	709.8	392.5	118.6	8,001.9
Maryland	0	.4	43.8	262.0	573.2	924.0	983.8	844.9	691.5	341.8	113.7	3.1	4,782.2
Massachusetts	2.8	18.1	110.5	371.1	671.7	1,071.8	1,183.0	1,034.7	899.8	552.8	270.0	45.7	6,231.9
Michigan	11.0	24.5	120.3	395.9	772.4	1,155.7	1,287.5	1,119.7	971.4	548.2	275.6	56.7	6,738.9
Minnesota	30.8	43.8	225.1	522.3	1,034.7	1,499.4	1,699.1	1,412.1	1,193.8	652.8	325.8	100.6	8,729.5
Mississippi	0	0	3.3	97.5	314.6	530.9	594.8	453.4	332.7	74.2	9.5	.1	2,411.0
Missouri	3.5	5.2	52.9	247.3	626.1	979.9	1,095.7	869.5	717.1	299.7	112.7	14.1	5,023.7
Montana	63.4	80.8	318.6	605.5	988.0	1,275.2	1,420.2	1,122.2	1,084.2	685.6	424.0	224.6	8,292.3
Nebraska	11.0	9.1	112.7	352.0	788.4	1,159.7	1,307.2	1,033.8	900.4	435.4	194.3	42.4	6,346.5
Nevada	4.5	15.3	68.4	253.4	566.4	813.3	862.5	614.7	527.1	340.0	168.2	61.4	4,370.2
New Hampshire	19.5	55.7	194.5	495.4	822.0	1,202.2	1,391.4	1,206.2	1,040.3	645.7	330.9	71.0	7,534.8

Stations	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
New Jersey	0	2.9	142.9	302.9	612.4	991.4	1,081.8	935.0	787.5	429.9	172.1	11.2	5,470.0
New Mexico	4.9	8.6	63.0	291.8	642.2	902.8	942.7	730.6	648.8	355.2	141.0	34.4	4,765.0
New York	5.1	13.9	82.4	326.5	640.8	1,034.8	1,152.7	1,007.3	872.2	503.6	227.5	32.1	5,898.9
North Carolina	.1	.1	19.0	168.2	431.3	711.0	737.4	615.0	483.8	173.0	49.7	3.4	3,392.0
North Dakota	42.7	45.5	276.1	593.1	1,120.9	1,591.5	1,835.6	1,494.1	1,291.3	711.9	375.8	136.3	9,483.8
Ohio	5.2	11.4	84.3	332.4	688.3	1,051.5	1,140.1	980.2	823.1	435.4	197.1	39.3	5,778.8
Oklahoma	.1	.5	14.1	136.6	452.2	747.4	839.9	625.2	503.2	157.6	30.5	.2	3,507.5
Oregon	64.6	74.7	153.9	300.0	623.4	790.6	860.7	659.6	654.9	486.0	324.0	171.2	5,253.6
Rhode Island	3.0	13.6	93.1	337.2	636.8	1,006.9	1,110.5	979.1	870.8	548.6	284.4	50.1	5,934.1
South Carolina	0	0	4.8	110.1	346.4	603.0	625.1	502.9	378.3	106.7	19.2	.2	2,696.7
Pennsylvania	5.0	13.4	92.1	345.7	672.1	1,039.5	1,122.9	975.9	822.2	444.2	194.6	27.2	5,754.8
South Dakota	25.6	22.0	176.1	455.4	930.0	1,336.4	1,536.4	1,508.6	1,222.3	1,071.9	562.0	280.3	7,680.8
Tennessee	.1	.2	25.2	202.2	506.1	773.6	826.4	672.7	534.1	194.9	62.2	2.9	3,800.6
Texas	0	0	1.1	56.6	247.4	447.5	532.7	386.7	278.5	60.8	3.8	0	2,015.1
Utah	8.8	17.0	158.2	449.3	826.8	1,122.8	1,217.1	961.7	863.6	540.1	295.8	118.7	6,579.9
Vermont	26.7	65.8	205.7	508.5	843.4	1,314.9	1,469.1	1,271.9	1,090.9	661.3	339.0	75.5	7,872.7
Virignia	.5	.5	39.5	233.7	535.6	844.9	889.1	758.6	616.7	278.7	92.1	5.9	4,285.8
Washington	80.0	91.6	196.4	445.3	691.3	862.5	946.1	723.0	705.1	507.4	326.5	176.7	5,751.9
West Virginia	3.8	5.9	75.8	310.8	637.1	955.5	1,010.3	863.8	717.8	354.9	148.6	24.1	5,108.3
Wisconsin	18.7	32.4	153.3	437.9	873.6	1,304.1	1,469.1	1,231.4	1,055.1	583.3	300.4	80.8	7,531.1
Wyoming	37.7	49.4	205.0	573.2	958.0	1,235.2	1,333.6	1,092.8	1,004.4	684.4	413.0	187.9	7,894.6

Source: Table III, percent of normal of accumulated heating degree-days, by month, season, and State, Nov. 13, 1973, and percent of normal of accumulated cooling degree-days by month, season, and State, Apr. 16, 1974, Environmental Data Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

TABLE III.—*1941–70 cooling degree-day normals (population weighted)*

Stations	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
Alabama	17.5	14.2	33.4	62.6	210.5	377.0	456.0	441.9	282.9	91.1	6.6	5.7	1,999.4
Arizona	.5	8.4	21.1	87.6	234.3	449.5	640.6	577.4	420.7	164.7	18.8	.2	2,623.8
Arkansas	.9	.8	22.5	48.1	172.0	369.7	486.1	450.9	253.2	74.2	1.5	.6	1,891.5
California	1.1	.9	2.2	7.2	23.9	77.5	192.5	189.3	131.6	36.9	5.8	.4	669.4
Colorado	0	0	0	0	4.4	61.2	140.1	103.0	26.4	.6	0	0	335.7
Connecticut	0	0	0	0	9.7	82.2	207.7	164.0	41.9	1.3	0	0	506.8
Delaware	.4	0	.7	.7	53.8	202.4	336.7	282.5	127.7	15.8	0	0	1,021.0
Florida	85.4	97.2	132.9	216.8	354.0	455.8	511.9	521.1	455.2	301.7	138.0	97.8	3,367.8
Georgia	13.8	10.4	27.2	53.8	199.3	355.4	432.2	418.0	261.7	75.8	6.1	5.6	1,859.3
Idaho	.2	0	0	0	13.1	48.7	177.0	138.3	37.0	.8	0	0	415.1
Illinois	0	0	2.5	2.5	68.2	202.4	297.7	263.1	92.6	19.9	0	0	949.9
Indiana	0	0	3.4	3.0	72.1	208.1	295.8	250.8	102.8	16.4	0	0	952.4
Iowa	0	0	1.8	1.8	66.6	184.8	287.3	245.3	70.0	18.8	0	0	876.4
Kansas	0	0	8.5	16.8	111.9	208.5	450.2	422.0	187.6	47.0	0	0	1,542.5
Kentucky	1.5	.2	13.3	13.9	106.4	257.6	353.4	319.3	160.7	27.2	0	.2	1,253.7
Louisiana	32.7	30.2	57.3	127.3	292.4	454.7	526.8	523.2	379.7	168.4	29.6	14.0	2,637.3
Maine	0	0	0	0	.9	21.6	107.4	84.5	7.2	0	0	0	221.6
Maryland	.3	0	.9	2.4	63.0	202.6	331.5	279.4	121.4	13.5	0	0	1,015.0
Massachusetts	0	0	0	0	9.2	70.9	197.2	155.5	34.1	.4	0	0	467.3
Michigan	0	0	.5	.2	29.8	124.6	207.5	175.1	48.3	7.1	0	0	593.1
Minnesota	0	0	.1	.3	22.3	94.6	184.5	143.0	22.3	5.7	0	0	472.8
Mississippi	18.8	17.0	41.4	81.8	236.2	415.0	496.2	479.4	311.4	110.5	8.7	6.3	2,222.7
Missouri	0	0	7.5	12.9	106.6	267.5	394.2	363.3	153.6	36.6	0	0	1,332.2
Montana	.7	0	.1	.1	4.2	26.7	108.8	78.6	19.8	.3	0	0	239.3
Nebraska	0	0	2.8	4.4	78.0	214.7	360.5	313.1	107.3	20.4	0	0	1,101.2
Nevada	0	2.4	4.3	33.5	112.9	246.3	442.9	389.2	210.9	56.4	1.6	0	1,500.4
New Hampshire	0	0	0	0	5.2	41.3	135.6	100.9	13.7	0	0	0	396.7
New Jersey	0	0	0.1	0.1	34.5	149.2	285.6	232.5	167.0	8.1	0	0	877.1
New Mexico	0	0	2.4	13.0	52.6	209.0	313.4	260.9	108.9	12.2	0	0	972.4
New York	0	0	0	0	20.7	122.2	240.6	207.8	71.7	5.4	0	0	677.4
North Carolina	4.6	.6	14.6	19.2	138.6	293.9	386.7	356.0	196.7	41.1	.7	1.5	1,454.0
North Dakota	0	.1	0	.2	15.0	69.9	174.4	134.8	24.3	2.0	0	0	420.7
Ohio	.1	0	1.7	2.6	55.8	170.1	254.9	214.1	187.7	10.2	0	0	797.2
Oklahoma	.2	.7	18.1	50.5	158.0	376.9	529.0	514.5	273.8	79.3	1.6	0	2,002.6
Oregon	.1	0	0	0	2.5	19.7	76.4	69.2	25.5	.1	0	0	193.5
Pennsylvania	.1	0	.6	.9	42.7	144.5	250.3	202.2	76.0	6.2	0	0	732.5
Rhode Island	0	0	0	0	1.8	55.1	188.2	159.8	39.5	.7	0	0	445.1
South Carolina	10.4	4.7	25.4	47.6	203.0	370.0	453.7	429.0	201.3	72.0	4.0	4.3	1,885.4
South Dakota	0	.1	1.3	1.8	45.8	144.6	286.6	245.8	67.2	7.8	0	0	801.0
Tennessee	2.3	2.1	16.9	22.7	133.1	296.0	390.7	361.9	189.7	42.0	.2	0.5	1,458.1
Texas	13.9	20.2	55.0	129.1	281.9	466.5	572.2	570.1	380.2	170.2	31.1	8.6	2,699.0
Utah	0	0	0	1.0	22.5	80.1	252.6	202.5	68.2	3.4	0	0	630.1
Vermont	0	0	0	0	7.2	43.9	128.6	96.3	17.3	.1	0	0	293.4
Virginia	1.3	0	4.0	6.0	85.3	224.1	336.4	294.0	140.9	20.8	0	.1	1,112.9
Washington	.3	0	0	0	4.0	20.6	73.1	58.2	15.1	0	0	0	171.3
West Virginia	1.2	0	3.8	4.6	64.7	176.3	261.1	224.5	100.4	12.3	0	.1	849.0
Wisconsin	0	0	.1	.1	24.2	108.0	195.9	173.0	32.8	6.5	0	0	540.6
Wyoming	0	0	0	.1	6.4	43.4	144.0	107.8	23.7	.7	0	0	326.1

Source: Table II, percent of normal of accumulated heating degree-days, by month, season, and State, Nov. 13, 1973, and percent of normal of accumulated cooling degree-days, by month, season, and State, Apr. 16, 1974, Environmental Data Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce

The proposed allocation formula uses the square of the State's normal heating degree-days plus the square of the State's normal cooling degree-days. Squaring each factor places a greater emphasis on the State with extremes of climate, where the greatest need for weatherization and potential for energy conservation is found. The lack of a squared degree-day factor would give the same weight to a State with 1500 cooling degree-days and 1500 heating degree-days and to a State with either 3000 heating degree-days or 3000 cooling degree-days. FEA believes this would be inequitable because the latter two situations represent more severe climates with greater weatherization need and energy conservation potential than the first case. Degree-days are the most widely used and accepted measure of climate severity as it affects usage of energy. Heating degree-days, in particular, have been shown to be a very accurate predictor of heating fuel consumption. While the situation for cooling is less clear cut, the Department of Commerce publishes the cooling degree-day data as the best available indicator. Conclusive research is not available as to the accuracy of this indicator. The heating and cooling deegree-day data have been weighted to reflect the fact that a significantly larger portion of residential energy is used for heating rather than for cooling.

The percentage of total residential energy used for both heating and cooling is applied to the respective degree-day

figures in order to weight them in a fashion consistent with the potential energy savings in each use sector. The percentage figures were obtained from calculations performed in the "Federal Energy Administration Project Independence Blueprint: Final Task Force Report," which is available for review at FEA Regional Offices and at the Office of Weatherization Assistance, Washington, D.C., whose addresses appear elsewhere in this preamble. These percentages are 58.7% and 3.3% for heating and cooling respectively. The Final Task Force Report is available as provided below.

FEA has received numerous comments from all sections of the Nation on this element of the formula. Many of them were directed at previous formulas in earlier drafts of the regulations proposed today, in which heating degree-days only were considered, or in which heating degree-days squared plus cooling degree-days squared were considered without weighting factors to reflect potential energy savings in each use sector.

Two comments were received from States recommending that degree-days be deleted from the formula. Three comments (including one from HEW) were received recommending that cooling degree-days be either deemphasized or eliminated from the formula because: savings of imported oil would thereby be enhanced in the Northeast (the Northeast has a heavy reliance on imported oil which is used for space heating); use of total cooling degree-days does not correlate with energy savings (few low-income persons have air conditioning); and heating is more essential to safety and health than cooling.

Based on these comments the cooling degree days were weighted to reflect percentage of energy used in space cooling.

One comment claims discrimination against the southern States because of the deemphasis placed on cooling degree days.

On the issue of "to square or not to square," three comments expressed an opinion that squaring of degree days places too much emphasis on climate and too little emphasis on the number of low-income dwellings.

After evaluating all of these comments, FEA believes that squaring degree-days will allocate more funds to areas with severe climates where there is a greater potential for energy savings and a greater need for weatherization.

3. *Type of weatherization work to be done.* The issue of the type of weatherization work to be done has been equally controversial in the development of the proposed allocation formula. In earlier drafts, an average cost per home or funding range for each State was established. This factor was derived from data provided by the National Association of Home Builders (NAHB) Research Foundation in "An Evaluation of Data Developed in 'A Study of Level of Retrofit for Energy Savings of Homes Owner Occupied by Low-Income Families,'" November 1975. The NAHB study and related materials are available for review at FEA Regional Offices and at the Office of Weatherization Assistance, Washington, D.C., whose addresses appear elsewhere in this preamble, as provided below. The NAHB study provides information on the characteristics of the low-income housing stock in each State, including the average attic area, accessible attics, the average number of windows per home, and several other factors. The study calculates the annual BTU savings which may be obtained from the installation of several specific types of weatherization materials in an average home in each State.

The NAHB study also provides data on the cost of materials for each type of weatherization material and on the average cost of space heating in each State.

FEA received numerous comments criticizing both the concept of an average cost per home and the figures themselves. Many of the comments recommended that the homes in each State should be treated equally with respect to types of weatherization materials. As the result of these comments, FEA has eliminated the average cost per home as a factor in the allocation formula. The formula proposed in this rulemaking takes into consideration the type of weatherization work to be done in the 0.5 factor assigned to renter-occupied dwelling units, which is discussed above.

FEA has received several comments regarding Alaska's allocation under the proposed formula. The comments have recommended that Alaska be exempted from the allocation formula and that Alaska's allocation be determined separately. The bases for this recommendation are the following:

70 percent of the poverty population in Alaska lives in Alaskan Bush Villages, which are hundreds of miles away from Anchorage and have no roads connecting them to major marketing areas.

There is a tremendous disparity for insulation materials between Anchorage and the Bush Villages. There is at least a 100 percent increase in retail prices in Bush Villages as compared to Anchorage prices. This difference is due to remoteness, inaccessibility, and dispersion of Bush Villages. There are no roads connecting market areas and all supplies have to be flown into villages by small one-engine airplanes.

The inflation rate for the State of Alaska over the past 2 years is approximately triple the U.S. average.

Degree days in the Bush Villages are much higher than in Anchorage (the population center).

Determining the low-income population in accordance with the OMB Poverty Guidelines ignores the fact of vastly inflated wages and prices in Alaska.

FEA has considered these comments, but at this time has concluded that a special exception for Alaska is inappropriate.

The State of Hawaii has not been included in the program because of the determination that Hawaii has no significant problems that the weatherization assistance program could address.

B. *Eligible Dwelling Units.* Financial assistance under this part may only be used to weatherize the dwelling unit of a low-income family unit. A low-income family unit consists of one or more persons who meet either of two tests. The first test requires that total family income is not above the poverty level set forth in the guidelines established by the Office of Management and Budget. Under the second test, any family unit is a low-income family unit if it contains a member who has received cash assistance payments under Title IV (Aid to Dependent Children) or Title XVI (Supplementary Income) during a twelve month period prior to the time of receipt of weatherization assistance.

The first test is addressed to identifying family units which are poor and will include the so-called poorest of the poor. The second test identifies persons who are both needy and especially vulnerable to the adverse effects of high energy costs, including specifically the elderly and the handicapped.

The combination of both tests defines the outer limits of dwelling units eligible for financial assistance in the conduct of a weatherization project under this part. However, a State plan may establish priorities among eligible dwelling units for the entire State or a specific weatherization project. FEA requires a State to establish such priorities for elderly and handicapped low-income persons. FEA encourages a State to pay particular attention to establishment of priorities because presently authorized funding limits for the program will serve to weatherize only a fraction of eligible dwelling units in the Nation.

C. *Minimum Program Requirements.* Any weatherization assistance program receiving financial assistance pursuant to the Act must conform to the proposed minimum requirements set forth in § 440.15. FEA intends to permit a grantee to develop, publish and implement its own procedures, to be approved by FEA, provided that these procedures satisfy the minimum requirements prescribed in this part. In this way, FEA seeks to encourage local initiative and creativity, facilitate coordination of weatherization programs within a State, and enable each grantee to develop practice and procedure most compatible with State or local administrative practices.

Prior to the expenditure of any grant funds, each grantee must develop, publish and implement procedures to assure conformity with minimum program requirements, including procedures to ensure that a weatherization project will only weatherize eligible dwelling units and will give priority to elderly and handicapped low-income persons.

Moreover, each grantee must make provision that funds will be used to supplement but not supplant State or local funds and will be coordinated with other programs to improve thermal efficiency and conserve energy. Additionally, each grantee must take steps to secure, to the maximum extent practicable, the services of volunteers and public service employment workers, pursuant to the Comprehensive Employment and Training Act of 1973 (CETA).

If a grantee elects to weatherize rental housing, it must develop procedures to

assure that: (1) The owner consents to the weatherization of his property; (2) benefits primarily accrue to low-income persons and not to owner; (3) rents are not raised because of improvements made; and (4) no excessive enhancement shall occur to the value of the dwelling unit. A rental dwelling unit may only be weatherized with financial assistance provided under this part if it is an eligible dwelling unit and will be weatherized in conformity with the State procedures for weatherizing rental housing. Accordingly, in a multi-family structure, a dwelling unit which is not an eligible dwelling unit cannot be weatherized under this program.

Each State shall establish a State policy advisory council (PAC) to provide advice with respect to the development and implementation of the weatherization program within the State. The PAC must be broadly representative of organizations and agencies, including consumer groups, which represent low-income persons, particularly elderly and handicapped low-income persons. In the event a State does not participate in the program, the Regional Administrator would establish the PAC.

D. *Allowable Expenditures.*—

1. *General approach.* Proposed § 430.16 specifies allowable expenditures. Not less than 90 percent of each grant awarded under the program may be used to purchase weatherization materials. Certain costs associated with weatherization materials would be allowable. However, allowable expenditures for weatherization materials would not include costs to employ labor or otherwise to pay the cost of installing weatherization materials. No more than 10 percent of each grant may be used for administrative expenses. However administrative expenses may not include costs associated with tools and equipment or any costs of labor to carry out a weatherization project, except for supervisors and foremen.

FEA was guided by specific provisions of the Act in reaching its proposed approach to allowable program expenditures. The Act specifically requires that financial assistance under the program be used "to the maximum extent practicable" for purchase of materials and that administrative costs not exceed 10 percent. Moreover, while the Act does not foreclose all use of grant funds for labor costs, it does specifically require that labor be secured, "to the maximum extent practicable," from the services of volunteers and training participants and public service employment workers, pursuant to CETA. A further statutory provision relevant to the general approach to allowable expenditures is the requirement that financial asistance under the program be used to "supplement, and not to supplant," State or local funds and to increase the funds otherwise available to carry out weatherization activities.

FEA believes that these objectives—maximum practicable use of financial assistance to purchase weatherization materials, maximum practicable use of CETA funded labor and volunteers enhancement of use of other sources of funding—can best be achieved by emphasizing use of program funds for purchase of materials and limiting or restricting use of program funds for most other purposes. Moreover, the intent of the Act that this program be "supplementary" to other resources and programs for weatherization, in FEA's view, reinforces the appropriateness of the proposed approach to allowable program expenditures.

A discussion of specific issues raised in the development of the regulations with respect to allowable expenditures is provided below. Each specific issue is affected—and in some instances to a great degree—by the discussion above of the general approach to allowable expenditures.

2. *Labor costs.* Thirteen comments were received on the subject of labor costs. One Governor commenting on earlier drafts of the proposed regulations which were circulated for review, stated:

> My most basic concern is with the continued restriction of * * * funds to materials. * * * It is my opinion, and that of the current program operators, that such language would cripple existing weatherization efforts. Without the flexibility of labor allowances, and with most Community Action Agencies losing their Title X and CETA slots, the program would lack the required manpower to install weatherization materials and retrofit targeted dwellings.

One comment specifically urged FEA to coordinate with the Department of Labor to assure the availability of manpower for assisting the occupants of rental dwelling units and to seek an exemption from the Davis-Bacon wage determination requirements. Comments from ACTION spoke to the use of volunteers and to allowing States to spend a portion of their grant funds to help defray the costs of VISTA volunteers working on weatherization projects. Another commenter urged that FEA enter into memoranda of agreement with Federal agencies having manpower programs to insure that the weatherization programs are given funding priority. Another commented that the regulations should address the fact that the availability of labor differs from area to area. It too urged that FEA try to secure weatherization priority for labor funds from the Departments of Labor, Commerce and Housing and Urban Development.

A comment received from a State contended that because CETA funds would not always be available and because training of volunteers can be too time-consuming, twenty-five percent of program funds should be allowed for labor. Another commented that the program cannot be properly supported by volunteer labor and indicated that there has been no action at the Federal level to give manpower funding priority to weatherization.

The Department of Health, Education, and Welfare proposed that, since no labor or installation charges may be included in the $400 maximum allowable for weatherization materials, the PAC's be permitted to specify some amount toward labor and installation for handicapped and elderly applicants, if and when no volunteer labor pool is available.

FEA has received several comments recommending that installation costs be an eligible program expenditure.

In addition to the reasons stated above in the discussion of the general approach to allowable expenditures and affecting the limits on expenditures of program funds for labor costs, FEA was concerned that if general labor costs were an allowable program expenditure, the FEA program would be unavoidably tilted from weatherization assistance to a public employment resource and a manpower training program. As desirable as these ancillary goals may be to the program, FEA itself clearly does not have a mandate under the Act to carry out a manpower training program or provide employment for labor, skilled or unskilled, in the construction trades, home improvement business or retrofit industry.

3. *Installation costs.* FEA received several comments recommending that purchase of weatherization materials installed in place be an allowable program expenditure. In this manner, labor costs for installation would be covered in the purchase price, with the materials installed by the supplier of the materials. FEA considered this suggestion and has decided not to allow installation costs for two primary reasons. First, FEA has not succeeded in formulating a workable mechanism to insure that installation is performed only by independent third parties in the ordinary course of business. It would be unacceptable were the allowance of installation costs to be used as a subterfuge to apply program funds to secure labor without a real connection with a bona fide supplier of weatherization materials.

Second, FEA was unable to devise an administratively workable procedure to assure that all reasonable efforts had been made to procure labor for a weatherization project were installation costs to be allowed.

4. *Cost of weatherization materials.* Proposed § 440.16(a) establishes the allowable cost elements for weatherization materials, for which not less than 90 percent of grant funds are to be spent. FEA proposes that cost of weatherization materials be limited to purchase price f.o.b., but not including mechanical equipment valued in excess of fifty dollars; materials transportation costs; and taxes. Materials transportation costs, consisting of maintenance, operation and insurance of vehicles to transport weatherization materials, are also included. The cost of purchasing or leasing such vehicles, however, is specifically excluded, and transportation of work crews would not be an allowable materials cost.

With respect to the earlier drafts, FEA received numerous comments on proposed approaches to the definition of the cost of weatherization materials. FEA received many comments, including comments from CSA, recommending a

more generous allowance for costs incurred in the transportation of weatherization materials and work crews. One State recommended that materials costs include the purchase of rental, maintenance, repair and insurance of vehicles used to transport weatherization materials. This same State suggested that the regulations state that gran funds should not be used for the purchase or rental of vehicles until all avenues for securing vehicles have been exhausted and until the State PAC approves such expenditures.

FEA has also received several comments recommending that the purchase and maintenance of tools and most equipment necessary to install weatherization materials be allowable materials costs. The proposed regulations do not include as allowable costs the cost of purchasing tools and most equipment. FEA expects grantees to provide for these costs, to the extent they are necessary, from other resources. In disallowing cost of tools and most equipment, FEA was concerned that sub-grantees might purchase costly tools and equipment which would not be needed and perhaps would never be used.

HEW recomended that materials costs should include the purchase of high efficiency or alternate fuel heating units. FEA has determined, however, not to allow this expenditure, in part because of the statutory prohibition on mechanical equipment expenditures of more than fifty dollars. CSA recommended that the cleaning or repair of heating and cooling sources be an allowable expenditure. FEA is not at this time proposing to allow such expenditures as materials costs primarily to maximize the use of program funds for weatherization materials, as discussed above.

5. *Administrative costs.* The Act limits administrative expenses to 10 percent. Many comments were received from States, CSA and a CAA stating that 10 percent is insufficient for administrative costs because, among other reasons: grantees are required to audit (annually) and periodically to monitor local projects; grantees are to be held accountable for the non-compliance of sub-grantees; there are two layers of administration at the State and local levels; both grantees and sub-grantees have reporting and recording requirements; and materials costs do not allow expenditures for labor. CSA recommended that local projects be assured of receiving the full 10 percent for administrative costs and that the State administrative budget be allowed as an additional administrative cost. One State recommended that administrative expenses be limited to State administration, project management and audit and accounting services, and that all other project expenses be allowable as materials and material-related costs.

FEA carefully considered these comments and the reasons discussed above in the general approach to allowable expenditures in developing proposed § 440.16(b). Proposed § 440.16(b) provides that no more than the statutory limit of 10 percent of grant funds may be used for administrative expenses. This 10 percent limitation is proposed to apply to the total of all grants within the State and accordingly includes the administrative costs of sub-grantees as well as grantees. For example, if a State were awarded a grant of one million dollars, $100,000 could be expended in the State for administrative costs. If the State agency required $50,000 to administer the program, this would leave up to $50,000 for the administrative expenses of sub-grantees.

6. *Other restrictions on allowable expenditures.* The earlier drafts contained an absolute restriction on use of program funds to weatherize public housing. This position was based on the understanding that other Federal funding could be available for such purposes. Several comments, nevertheless, recommended the elimination of the restriction on weatherizing public housing. Two comments argued that, at the very least, State assisted public housing should be eligible for weatherization assistance if included in a State plan, as many tenants in State assisted public housing pay their own utility bills. Other comments indicated that there is a concentration of some of the neediest low-income persons in such housing, and that many dwelling units in one building could be weatherized, which would presumably be very cost-effective. It was also pointed out that CETA workers are permitted to work in only two types of rental housing—public rental housing or private, not-for-profit rental housing—and argued that a prohibition on weatherization of public housing would mean that almost no rental housing would be weatherized.

FEA carefully reviewed this issue, and because it believes funds from other Federal sources can be made available to weatherize Federally-assisted housing constructed under programs of the Department of Housing and Urban Development and the Farmers Home Administration, has retained the limitation in proposed § 440.16(c) on use of program funds to weatherize public housing.

Also not eligible for weatherization assistance under proposed § 440.16(c)(2) is a dwelling unit which has been weatherized previously with grant funds authorized under this Act. FEA intends that weatherization of a dwelling unit be completed at one time and not in sequential stages. FEA at this time believes that there is too great a risk in a sequential program over a period of years that neither the cost nor use of energy will be effectively diminished. Furthermore, there are serious managerial and record-keeping problems in starting but not finishing work upon a given dwelling unit. Added to this is the uncertainty of the continued availability of program funds. Finally, a sequential approach probably would not easily provide FEA with the information it needs to monitor the effectiveness of the program and improve its operation.

Proposed § 440.16(c)(3) seeks to prevent the waste of Federal financial assistance by prohibiting use of program funds upon a dwelling unit which is vacant or designated for public acquisition or clearance within twelve months of the date upon which weatherization would be scheduled to be completed.

Under proposed § 440.16(d) the cost of weatherization materials is limited to $400 per dwelling unit, unless the State PAC provides for expenditures of a greater amount in the light of local conditions.

HEW, which provides funds for home repairs and some insulation under one of its programs, specifically recommended that the restrictions on expenditures in early drafts of the proposed rulemaking be broadened to include its program, implemented under 45 CFR 233.20 (c). FEA has elected not to follow the suggestion because this is an example of a Federal assistance program for which this program can provide complementary assistance.

E. *Applications.* Application procedures for a State are set forth in proposed § 440.12. To be eligible for financial assistance, a State must submit an application to FEA not later than 90 days from the date of publication of final regulations.

In the event a State either fails to submit a timely application or its application receives the final disapproval of FEA, a local applicant becomes eligible to apply as provided in proposed § 440.13. A CAA, a tribal organization or a unit of general purpose local government, are local applicants which may apply for funds in appropriate circumstances. A local applicant must make application to the Regional Administrator within 30 days from the date of its eligibility, except that a tribal organization may also apply whenever funds are reserved for Indians by the Regional Administrator. FEA may fund one or more weatherization projects in a State conducted by one or more eligible local applicants.

One comment recommended that the eligibility of units of general purpose local government not be precluded by any minimum size of the populations those governments serve. FEA has followed this recommendation. An Alaskan CAA recommended that IRA Councils (unincorporated villages) be included in the definition of units of general purpose local government. FEA has this recommendation under active consideration. FEA is particularly interested in receiving comment upon whether the definition of "a unit of general purpose local government" should be expanded, further restricted or qualified.

In the event a State does not participate in the program, the Regional Administrator will carry out most of the responsibilities for developing a weatherization plan applicable within the State and, upon application, will select weatherization projects within the State to be funded.

F. *Administrative Requirements.* The Act provides that each State, in order to participate in the program, must develop a weatherization plan identifying the areas to be served and the man-

ner in which the program is to be implemented. After notice and a public hearing, a State will adopt a final plan describing the proposed funding distribution and recipients. Proposed § 440.14 requires that a State conduct one or more public hearings after giving reasonable notice throughout the State and after making copies of the proposed State plan available. Proposed § 440.14 also lists the requirements for the development of a State plan.

In accordance with the Act, proposed § 440.14(c) provides that funds are to be allocated within the State to a CAA with respect to any geographical area in which the CAA is conducting an emergency energy conservation program. Furthermore, any such CAA is to receive priority in the allocation of funds with respect to any geographical area which it serves but in which it is not conducting such an emergency program. Pursuant to the Act, paragraphs (d) and (e) of proposed § 440.14 provide that the Governor of a State, or Regional Administrator where a State does not participate, may make a determination, if justified on the basis of public hearing, to vary the allocation or priority requirements under which the CAA could otherwise receive funds. While one comment suggested FEA prohibit the Governor from making such a determination, the Act specifically authorizes the Governor to make such a determination.

Finally, a State in its plan may establish a weatherization project in a geographic area which is not served by a CAA or which does not have a CAA. FEA has not restricted a State to select only areas served by a CAA so that each State may give attention to its perception of greatest local need within its jurisdiction. Nor is a State required to confine weatherization projects to a geographic area where publicly funded labor sources are available.

G. *Weatherization Materials and Techniques*. Proposed § 440.17 prescribes standards for weatherization materials and energy conservation techniques.

Standards for weatherization materials appear in an Appendix to the proposed regulations. Any weatherization materials for which standards exist in the Appendix must meet or exceed the identified standards. These standards were devolped by the National Bureau of Standards and reviewed by FEA. While one comment said a simple R-factor criterion would be sufficient for materials standards, FEA has chosen a more thorough approach which it believes may be more cost-effective.

Proposed § 440.17 also requires use of the approaches including the energy conservation techniques described in Project Retro-Tech, FEA Conservation Paper No. 28. FEA will, however, permit a grantee or sub-grantee to propose alternative approaches which may be used in a weatherization project subject to prior approval of the Regional Administrator. FEA will not mandate a single approach where workable alternatives are available. Copies of Project Retro-Tech may be obtained from FEA Regional Offices or the FEA Office of Weatherization Assistance whose addresses appear elsewhere in this preamble.

FEA is interested in receiving comments on whether to proscribe the use of weatherization materials or energy conservation techniques which require frequent periodic repair or replacement. Such repairs and replacements are themselves energy consuming. Moreover, FEA chooses to encourage cost-effective weatherization with a long-lasting impact. On the other hand FEA, at this time, does not seek to preclude a State from proposing innovative approaches which may maximize benefits and number of beneficiaries in the short run.

H. *State Policy Advisory Councils*. The Act requires that each State establish a qualified and representative PAC to advise on the administration of the weatherization program within the State. Several comments were received on earlier drafts of the proposed rulemaking recommending that the regulations further specify the composition of the State PAC. On comment inquired as to the number of people that must be on a State's PAC. CSA recommended that FEA specifically require the inclusion of low-income persons on the State's PAC. It also recommended that the State's PAC include representatives of local project advisory committees established pursuant to CSA guidelines. Various other comments suggested that the regulations specify minimum percentages of poor, elderly, handicapped, black, and Spanish-speaking persons to be represented on the State's PAC.

FEA believes many of these decisions should be left to each State. However, FEA has provided certain minimum representational requirements. FEA believes that the composition of the State's PAC should include representatives of organizations and agencies which represent consumer groups or low-income persons, including elderly and handicapped low-income persons. It was also suggested that FEA utilize CSA's local project advisory committees. FEA is proposing not to require PAC's beyond the State PAC.

I. *Indians*. Section 440.11 of the regulations permits application by a tribal organization or other entity which serves Native Americans if the Regional Administrator determines that (1) the low-income members of an Indian tribe in a particular State are not receiving weatherization assistance under the Act that is equivalent to the assistance provided to other low-income persons in that State and (2) the members of the tribe would be better served by means of a grant made directly to the tribal organization or entity. Proposed § 440.11(c) provides that the Regional Administrator shall undertake to make such a determination in the event that a State shall: (1) Not submit a timely application, (2) recommend that direct grants be made for low-income members of an Indian tribe, (3) file an application which does not make adequate provision for the low-income members of an Indian tribe residing in the State. Section 440.11(e) allows an Indian tribe 30 days in which to apply after the Regional Administrator has reserved funds for which tribal organizations may apply. The tribal organization or entity would be required to satisfy, and be subject to, the same requirements as a local applicant in the State in which it is located.

J. *Technical assistance*. Section 416 of the Act authorizes FEA to use up to 10 percent of the sums appropriated for FEA's weatherization program in any fiscal year to provide technical assistance to any project receiving financial assistance. However, FEA has decided not to exercise this authority in order to maximize use of funds for actual weatherization work. FEA intends, however, to provide as much necessary technical assistance as it can, utilizing whatever existing staff and resources may appropriately be devoted to this task.

K. *Administrative Review*. The Act provides that FEA shall not finally disapprove an application, or any amendment thereto, or suspend a grant without affording the party affected, as well as other interested parties, reasonable notice and an opportunity for a public hearing. Section 440.30 of the proposed regulations implements this provision of the Act. Any adverse determination made by the Regional Administrator may be appealed in writing to the Administrator.

This appeal procedure applies to only a State or eligible local applicant but not a sub-grantee, such as a CAA. For example, the proposed regulations do not provide an appeal right to a CAA which has applied as a subgrantee and which has been denied allocation or priority funding by a Governor pursuant to procedures in the Act, implemented in the proposed regulations.

COMMENT PROCEDURES

A. *Written Comment Procedures*. Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 2105, Federal Energy Administration, Box LN, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Weatherization Assistance for Low-Income Persons Regulations." Fifteen copies should be submitted. All comments received by April 22, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken regarding the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. *Public Hearing*. FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold hearings in the 10 FEA Regions. Two hearings will be held

in Region X, one in Seattle, Washington, and the other in Anchorage, Alaska.

1. *National hearings.* The Washington, D.C., hearing (hereinafter referred to as the national hearing) will be held beginning at 9:30 a.m., April 25, 1977, at 2000 M Street, NW., Room 2105, Washington, D.C. The hearing will be continued, if necessary, on April 26, 1977. Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on April 14, 1977. A request may be hand-delivered between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

2. *Regional hearings.* Each of the regional hearings will be held beginning at 10:00 a.m., local time, on the dates and at the locations specified below and will be continued, if necessary, on a second day.

Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set forth below. Requests must be received before 4:30 p.m., local time, on April 15, 1977.

FEA region	Hearing date	Submit requests to testify to—	Hearing location
I. Boston, Mass.	Apr. 21 Apr. 22	FEA, 150 Causeway St., room 700, Boston, Mass. 02114.	McCormack State Office Bldg., 21st floor, conference room 21, 1-Ashburton Pl., Boston, Mass.
II. New York, N.Y.	Apr. 18 Apr. 19	FEA, 26 Federal Plaza, New York, N.Y. 10007.	Federal Bldg., 26 Federal Plaza, room 2705, New York, N.Y.
III. Philadelphia, Pa.	Apr. 21 Apr. 22	FEA, 1421 Cherry St., Philadelphia, Pa. 19107.	Federal Bldg., 1421 Cherry St., 11th floor, Philadelphia, Pa.
IV. Atlanta, Ga.	Apr. 21 Apr. 22	FEA, 1655 Peachtree St., NE., Atlanta, Ga. 30309.	Atlanta Civic Center room, 201, 345 Piedmont Ave., NE., Atlanta, Ga.
V. Chicago, Ill.	Apr. 21 Apr. 22	FEA, 175 West Jackson Blvd., Chicago, Ill. 60604.	U.S. District Court, room 1903, 219 South Dearborn St., Chicago, Ill. 60604.
VI. Dallas Tex.	Apr. 18 Apr. 19	FEA, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Tex.	Baker Hotel, 1400 Commerce Terrace Room, Dallas, Tex.
VII. Kansas City, Mo.	Apr. 21 Apr. 22	FEA, 12 Grand Bldg., 112 East 12th St., P.O. Box 2208, Kansas City, Mo. 64142.	601 East 12th St., Federal Bldg., room 40, Kansas City, Mo.
VIII. Denver, Colo.	Apr. 21	FEA, P.O. Box 26247, Belmont Branch, 1075 South Yukon St., Lakewood, Colo. 80226.	Post Office Auditorium, Post Office Bldg., 19th and Stout St., Denver, Colo.
IX. San Francisco, Calif.	Apr. 21 Apr. 22	FEA, 111 Pine St., 4th floor, San Francisco, Calif. 94111.	ERDA Conference Room, room 2575, 525 Market St., San Francisco, Calif.
X. Seattle, Wash.	Apr. 21 Apr. 22	FEA, 1992 Federal Bldg., 915 2d Ave., Seattle, Wash. 98174.	Seattle Federal Bldg., 915 2d Ave., South Auditorium, Seattle, Wash.
Alaska	Apr. 22	FEA, G-11, Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska.	Conference Room, Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska.

3. *Request procedures.* The following request procedures are applicable to both the national and regional hearings. Persons requesting an opportunity to make an oral presentation will submit their written requests to the appropriate address for the Region in which they wish to appear. A request should be labeled both on the document and on the envelope "Weatherization Assistance for Low-Income Persons."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group of persons that has such an interest; and give a concise summary of the proposed oral presentation and a phone number where she or he may be contacted through April 15, 1977, for regional hearings and April 20, 1977, for the national hearing. Each person selected to be heard will be notified by FEA before 4:30 p.m., local time, April 15, 1977, in the case of the regional hearings and by April 20, 1977, in the case of the national hearing. Each person selected to be heard must submit 100 copies, if feasible, of her or his statement to the Office of Regulation Development, FEA, Room 2214, 2000 M Street, NW., Washington, D.C., before 9:00 a.m., e.s.t. April 25, 1977 for the national hearing and to the location of the hearing by 9:00 a.m., on the day the statement is scheduled to be presented, for regional hearings.

4. *Hearing procedures.* FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she desires, to make a supplemental statement which will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person attending the hearing who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

COORDINATION WITH OUTSIDE PARTIES, ENVIRONMENTAL AND INFLATIONARY REVIEW

In preparing this proposed rulemaking, issues and options were reviewed not only internally by FEA but also by representatives of the Director of the Community Services Administration, the Secretary of the Department of Housing and Urban Development, the Secretary of Health, Education and Welfare, the Secretary of Labor and the Director of the ACTION Agency. Recommendations regarding the content of the guidelines were solicited from all the States.

In accordance with FEA's obligations under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), an evaluation of the potential environmental impacts of this program has been prepared by FEA. Notice of an environmental assessment appears elsewhere in today's FEDERAL REGISTER. As provided in that notice, comments will be received on the assessment and copies will be furnished upon request to interested persons.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The proposal has also been reviewed in accordance with Executive Order 11821, and OMB Circular A-107, issued November 27, 1974, and has been determined not to be a major proposal requiring an evaluation of its inflationary impact.

In consideration of the foregoing, it is proposed to amend Part 440 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., March 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

Subchapter D, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 440 as follows:

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

Sec.
440.1 Purpose and scope.
440.2 Administration of grants.

SEC.
440.3 Definitions.
440.10 Allocation of funds.
440.11 Indians.
440.12 State applications.
440.13 Local applications.
440.14 Administrative requirements.
440.15 Minimum program requirements.
440.16 Allowable expenditures.
440.17 Standards and techniques for weatherization.
440.18 Eligible dwelling units.
440.20 Oversight responsibility.
440.21 Recordkeeping.
440.22 Quarterly reports.
440.30 Administrative review.

AUTHORITY: Energy Conservation and Production Act, Pub. L. 94-385; Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275 and Pub. L. 94-385; E.O. 11790, 39 FR 23185.

§ 440.1 Purpose and scope.

This part contains the regulations adopted by the Federal Energy Administration to carry out a program of weatherization assistance for low-income persons established by Part A (42 U.S.C. 6861-6872) of Title IV of the Energy Conservation and Production Act (Pub. L. 94-385, 90 Stat. 1125 et seq.).

§ 440.2 Administration of grants.

Grant awards under this part shall be administered in accordance with the following—

(a) Federal Management Circular 73-2 (34 CFR 251), entitled "Audit on Federal Operations and Programs by Executive Branch Agencies;"

(b) Federal Management Circular 74-4 (34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

(c) Federal Management Circular 74-7 (34 CFR 256), entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

(d) Office of Management and Budget Circular A-89, entitled "Catalog of Federal Domestic Assistance;"

(e) Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

(f) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(g) Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;" and

(h) Such procedures applicable to this part as FEA may from time to time prescribe for the Administration of grants.

§ 440.3 Definitions.

As used in this part—

"Act" means the Energy Conservation and Production Act (Pub. L. 94-385, 90 Stat. 1125 et seq.)

"Administrator" means the Administrator of the Federal Energy Administration.

"Annual degree-days" means the total number of degree-days in one year, with respect to any State, as determined by FEA.

"CAA" means a Community Action Agency.

"Cosmetic items" means items which, when installed, will not reduce energy costs in a cost effective manner, including but not limited to finishes, decorative fenestration materials, and elevation materials such as aluminum siding, board and bat, clapboard, brick, shakes, or asphalt siding.

"Director" means the Director of the Community Services Administration.

"Dwelling unit" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

"Elderly" means a person who is 60 years of age or older.

"Eligible State" means any of the forty-eight contiguous States, Alaska, or the District of Columbia.

"FEA" means the Federal Energy Administration.

"Family Unit" means all persons living together in a dwelling unit.

"Governor" means the chief executive officer of a State (including the Mayor of the District of Columbia).

"Grantee" means the State or other entity named in the notice of grant award as the recipient.

"Handicapped person" means any individual (1) who is a handicapped individual as defined in section 7(6) of the Rehabilitation Act of 1973, (2) who is under a disability as defined in section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act or in Section 102(7) of the Developmental Disabilities Services and Facilities Construction Act, or (3) who is receiving benefits under chapter 11 or 15 of Title 38, United States Code.

"Heating or cooling source" means a device the operation of which can raise or lower temperatures within a dwelling unit as part of the permanent heating, ventilating and air-conditioning system installed in the dwelling unit, including but not limited to furnaces, heat pumps, stoves, boilers, heaters, fireplaces, air conditioners, fans, and solar devices.

"Indian" means a person who is a member of an Indian tribe.

"Indian tribe" means any tribe, band, nation or other organized group or community of Indians (including any Alaska native village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Pub. L. 92-203; 85 Stat. 688)) which (1) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (2) is located on, or in proximity to, a Federal or State reservation or rancheria.

"Low-income" means that income in relation to family size which (1) is at or below the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget or (2) is the basis on which cash assistance payments have been paid during the preceding 12 month period under Titles IV and XVI of the Social Security Act or applicable State or local law.

"Mechanical equipment" means a control device or apparatus which is primarily designed to improve the heating or cooling efficiency of a dwelling unit, and which will permanently be affixed to an existing heating or cooling source, including but not limited to a flue damper, clock thermostat, filter, or replacement limit switches.

"Multi-family dwelling unit" means a dwelling unit which is located in a structure containing more than one dwelling unit.

"Number of low-income, owner-occupied dwelling units in the State" means the number of such dwelling units in a State, as determined by FEA.

"Number of low-income, renter-occupied dwelling units in the State" means the number of such dwelling units in a State, as determined by FEA.

"Percentage of total residential energy used for space cooling" means the national percentage of total energy used for space cooling as determined by FEA.

"Percentage of total residential energy used for space heating" means the national percentage of total energy used for space heating, as determined by FEA.

"Regional Administrator" means a Regional Administrator of the Federal Energy Administration.

"Separate living quarters" are those in which the occupants do not live and eat with any other persons in the structure and which have either (1) direct access from the outside of the building or through a common hall or (2) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

"Single-family dwelling unit" means a structure containing no more than one dwelling unit.

"State" means each of the States and the District of Columbia.

"Sub-grantee" means a person conducting a weatherization project who is a recipient from a grantee of funds awarded under this part.

"Tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body.

"Unit of general purpose local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

"Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units which are thermally inefficient.

"Weatherization materials" means items intended primarily to improve the heating or cooling efficiency of a dwelling unit including, but not limited to, ceiling, wall, floor, and duct insulation, storm windows and doors, and caulking and weatherstripping, but not including mechanical equipment valued in excess of $50 per dwelling unit.

§ 440.10 Allocation of funds.

(a) FEA shall provide financial assistance, from sums appropriated for any fiscal year, only upon annual application.

(b) FEA shall determine the allocation for each State as follows: (1) The first five million dollars appropriated shall be divided equally among the eligible States.

(2) The percentage of the remaining available funds allocated to each eligible State shall be determined by the following formula—

(i) The square of the number of heating degree-days in the State multiplied by the percentage of total residential energy used for space heating;

(ii) Plus the square of the number of cooling degree-days in the State multiplied by the percentage of total residential energy used for space cooling;

(iii) Multiplied by the sum of the number of low-income, owner-occupied dwelling units in the State and one-half of the number of low-income, renter-occupied dwelling units in the State;

(iv) Divided by the sum of the result produced for all States by the computation outlined in subparagraphs (A), (B), and (C) of this paragraph; and

(v) Multiplied by 100.

(vi) The Administrator shall notify each eligible State of the amount of grant funds for which that State is eligible to apply.

§ 440.11 Indians.

(a) Notwithstanding any other provision of this part, the Regional Administrator may determine (after taking into account the amount of funds made available to the State to carry out the purposes of this part) that—

(1) The low-income members of an Indian tribe are not receiving benefits under this part equivalent to the assistance provided to other low-income persons in such State under this part, and

(2) The members of such tribe would be better served by means of a grant made directly to provide such assistance.

(b) In any State for which the Regional Administrator shall have made such determination, the Regional Administrator shall reserve from the sums that would otherwise be allocated to such State under this part not less than 100 percent, nor more than 150 percent, of an amount which bears the same ratio to the State's allocation for the fiscal year involved as the population of all low-income Indians for whom a determination under paragraph (a) of this section has been made bears to the population of all low-income persons in such State.

(c) The Regional Administrator shall undertake to make the determination prescribed in paragraph (a) of this section in the event a State shall—

(1) Not apply within the 90 day time period prescribed in § 440.14(a)(2),

(2) Recommend that direct grants be made for low-income members of an Indian tribe,

(3) File an application determined by FEA, in accordance with the procedures in § 440.30, not to make adequate provision for the low-income members of an Indian tribe residing in the State, or

(4) Have received grant funds, and FEA determines, in accordance with the procedures in § 440.30, that the State fails to implement its procedures for the provision of weatherization assistance to low-income members of an Indian tribe residing in the State.

(d) Any sums reserved by the Regional Administrator pursuant to paragraph (b) of this section shall be granted to the tribal organization serving the individuals for whom such a determination has been made, or, where there is no tribal organization, to such other entity as the Regional Administrator determines has the capacity to provide adequate weatherization assistance pursuant to this part. Where a grant is proposed to be made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be prerequisite to the issuance of a notice of grant award.

(e) Within 30 days after the Regional Administrator has reserved funds pursuant to paragraph (b) of this section, the Regional Administrator shall give written notice to the tribal organization or such other qualified entity of the amount of funds reserved and its eligibility to make application therefore.

(f) Such tribal organization or other qualified entity shall thereafter be treated as a unit of general purpose local government eligible to apply for funds hereunder, pursuant to the provisions of § 440.13.

§ 440.12 State applications.

(a) To be eligible for financial assistance, a State shall submit an application to FEA in conformity with the requirements of § 440.15 not later than 90 days after the date of publication of this part. The Regional Administrator will review each timely State application and, if the submission otherwise complies with the applicable provisions of this part, approve a final budget and issue a notice of grant award.

(b) Each application shall include—

(1) The name and address of the State agency or office responsible for administering the program;

(2) A copy of the final State plan prepared after notice and a public hearing in accordance with § 440.14(a), except that an application by a local applicant need not include a copy of the final State plan;

(3) A detailed description of the manner in which the State would meet the minimum program requirements of § 440.15;

(4) The Budget for total funds applied for under the Act;

(5) The total number of dwelling units proposed to be weatherized with grant funds during the budget period for which assistance is awarded;

(6) A schedule for implementation which shall indicate the number of dwelling units which are expected to be weatherized by calendar quarter;

(7) An estimate of the number of single-family and multi-family dwelling units to be weatherized;

(8) An estimate of the minimum number of dwelling units to be weatherized where elderly persons reside;

(9) An estimate of the minimum number of dwelling units to be weatherized where handicapped persons reside;

(10) An estimate of the minimum number of dwelling units of Indians to be weatherized or a recommendation that a tribal organization be treated as a local applicant eligible to submit an application pursuant to § 440.12(b);

(11) An estimate by percentage of the use of Federal manpower programs and/or volunteer labor programs and/or other labor sources in implementing each proposed weatherization project;

(12) Any determination made in accordance with § 440.14(d) not to provide funds, except that an application by a local applicant need not include this information; and

(13) Any further information which the Administrator determines is necessary to determine the acceptability of an application.

§ 440.13 Local applications.

(a) To be eligible for financial assistance, a local applicant, which shall be either a CAA or unit of general purpose local government, shall submit an application pursuant to § 440.12(b) to the Regional Administrator which meets the requirements of this part within 30 days of the date upon which either of the following shall have occurred—

(1) A State, within which a local applicant is situate, fails to submit an application within 90 days of the publication of this part; or

(2) The Regional Administrator finally disapproves the application of a State pursuant to § 440.30 of this part.

(b) In the event one or more timely applications are submitted by local applicants, the Regional Administrator shall act for the State, as far as practicable, for the purposes of § 440.14. The Regional Administrator shall combine the hearing on the proposed plan pursuant to paragraph (a) of § 440.14 with a hearing on proposed denial of the timely application of any local applicant, as provided in § 440.30 to the maximum extent practicable. Based upon the final plan developed by the Regional Administrator, the hearing and information submitted by a local applicant and other interested persons, FEA will determine whether or not to award a grant to a local applicant and the amount thereof. The Regional Administrator may provide financial assistance to one or more weatherization projects in a State conducted by one or more eligible local applicants.

§ 440.14 Administrative requirements.

(a) Before submitting an application, a State, after giving reasonable notice throughout the State, shall conduct one or more public hearings for the purpose of receiving comments on a proposed State plan which will identify and describe proposed weatherization projects and describe the proposed funding distributions and the recipients. Such proposed State plan shall be published and made available throughout the State prior to the hearing. The notice for such hearing shall specify that copies of the

plan are available and how they may be obtained. A transcript of the hearing shall be prepared and written submission of views and data shall be accepted for the record.

(b) Subsequent to the hearing, the State shall prepare a final plan which shall identify and describe—

(1) Each area to be served within a State and shall include for each area—

(i) The number of dwelling units to be weatherized;

(ii) The climatic conditions within the State;

(iii) The type of weatherization work to be done;

(iv) The relative need for weatherization assistance among low-income persons; and

(v) The amount of energy to be conserved by the program; and

(2) The manner in which the State program is to be implemented which shall include—

(i) An analysis of the existence and effectiveness of any weatherization project being carried out by a CAA;

(ii) Mechanisms for providing sources of labor for each weatherization project to be funded;

(iii) The extent to which priority will be given to weatherization of single-family dwelling units for the elderly and handicapped;

(iv) The amount of non-Federal resources to be applied to the program;

(v) The amount of Federal resources (other than FEA weatherization grant funds) to be applied to the program; and

(vi) The rental dwelling units to be weatherized by project, if any.

(c) The plan shall insure that funds received under the Act will be allocated to a CAA carrying out a program under Title II of the Economic Opportunity Act of 1964, 42 U.S.C. 2809, or to other appropriate and qualified entities in such State or area so that:

(1) Funds will be allocated on the basis of the relative need for weatherization assistance among the low-income persons in such State or area, taking into account appropriate climatic and energy conservation factors; and

(2) (i) Funds allocated to a geographical area served by the emergency energy conservation program carried out by a CAA under section 222(a)(12) of the Economic Opportunity Act of 1964, shall be allocated to such agency, and (ii) priority in the allocation of funds will be given to such CAA in so much of the geographical area served by it as is not served by the emergency energy conservation program.

(d) Paragraph (c)(2) of this section shall not apply if the Governor determines, or the Regional Administrator determines acting on behalf of the Governor pursuant to § 440.13(b), on the basis of the public hearing provided under paragraph (a) of this section that—

(1) The emergency energy conservation program carried out by a CAA has been ineffective in meeting the purpose of the Act; or

(2) The emergency energy conservation program is clearly not of sufficient size and cannot in timely fashion develop the capacity to support the scope of the project to be carried out in such area with funds to be granted under this part.

(e) Any eligible local applicant may request in its application that the Regional Administrator determine that the allocation requirement and priority set forth in paragraph (c)(2) of this section shall no longer be applicable. In such event, the Regional Administrator shall decide whether to make such determination as part of the notice and public hearing procedure required by § 440.30, which hearing may be consolidated by the Regional Administrator with the public hearing required by paragraph (a) of this section.

§ 440.15 Minimum program requirements.

(a) Prior to the expenditure of any grant funds each grantee shall develop, publish and implement procedures to be approved by the Regional Administrator to insure that:

(1) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in § 440.18;

(2) Priorities are established to govern the provision of weatherization assistance to elderly and handicapped low-income persons, and such priority as the applicant determines is appropriate for single-family or other high-energy-consuming dwelling units;

(3) Financial assistance provided will be used to supplement, and not supplant, State or local funds, and, to the extent practicable as determined by FEA, to increase the amounts of such funds that would be made available in the absence of Federal funds provided under this part;

(4) To the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to the Comprehensive Employment and Training Act of 1973, will be secured to work under the supervision of qualified supervisors and foremen;

(5) The limitations set forth in § 440.14(c) will be complied with; and,

(6) To the maximum extent practicable, the use of weatherization assistance shall be coordinated with other programs, Federal, State, local or privately funded, to improve thermal efficiency and to conserve energy.

(b) If a grantee decides to weatherize leased dwelling units:

(1) No leased dwelling unit shall be weatherized without first obtaining the written permission of the owner of the dwelling unit or his agent; and

(2) The grantee shall establish procedures approved by the Regional Administrator to insure that—

(i) The benefits of weatherization assistance shall accrue primarily to low-income tenants;

(ii) Rents shall not be raised because of the increased value of dwelling units due solely to weatherization assistance provided under this part; and

(iii) No undue or excessive enhancement shall occur to the value of the dwelling units.

(c) Prior to the expenditure of any grant funds, a State policy advisory council shall be established by a State or by the Regional Administrator, if a State does not participate in the program, which:

(1) Has special qualifications and sensitivity with respect to solving the problems of low-income persons, including the weatherization and energy conservation problems of such persons;

(2) Is broadly representative of organizations and agencies, including consumer groups, which represent low-income persons, particularly elderly and handicapped low-income persons, in the State or geographical area in question; and

(3) Is responsible for advising the responsible official or agency administering the allocation of financial assistance in such State or area with respect to the development and implementation of such weatherization assistance program.

(d) No person in the United States shall, on the ground of race, color, national origin, or sex, or on the ground of any other factor specified in any Federal law prohibiting discrimination, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, project, or activity supported in whole or in part with financial assistance under this part. Whenever the Administrator determines that a recipient of financial assistance under this part has failed to comply with this paragraph or an applicable regulation, he shall notify the recipient to secure compliance. If within a reasonable period of time the recipient fails to comply, the Administrator shall (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the power and functions provided by Title VI of the Civil Rights Act of 1964 and any other applicable Federal nondiscrimination law; or (3) take such other action as may be provided by law.

§ 440.16 Allowable expenditures.

(a) At least 90 percent of each grant awarded under this part shall be used to purchase weatherization materials. Allowable expenditures for weatherization materials include costs for only:

(1) Purchase of weatherization materials, FOB but not including mechanical equipment valued in excess of fifty dollars per dwelling unit;

(2) Transportation of weatherization materials to any storage site and to the site of weatherization work, except no purchase or lease of vehicles shall be allowed;

(3) Maintenance, operation, and insurance of vehicles used to transport weatherization materials; and

(4) Taxes related to other allowable expenditures for weatherization materials.

(b) No more than 10 percent of each grant awarded under this part shall be used for administrative expenses. Allow-

able administrative expenses shall not include any costs of tools or equipment or any costs of labor to carry out a weatherization project, except for supervisors and foremen.

(c) No grant funds awarded under this part shall be used for any of the following purposes:

(1) To weatherize dwelling units in any public housing project;

(2) To weatherize any dwelling unit which has been weatherized previously with grant funds authorized under this part;

(3) To weatherize any dwelling unit which is vacant or designated for acquisition or clearance by a Federal, State or local program within twelve months from the date weatherization of the dwelling unit would be scheduled to be completed; or

(4) To purchase cosmetic items or a heating or cooling source.

(d) The cost of weatherization materials provided with financial assistance under this part shall not exceed $400.00 in the case of any dwelling unit unless the State policy advisory council, established pursuant to § 440.15(c), provides for a greater amount with respect to specific categories of units or materials.

§ 440.17 Standards and techniques for weatherization.

(a) Weatherization materials for which standards exist in Appendix A to this part shall meet or exceed the applicable standards in Appendix A.

(b) A weatherization project shall apply the approaches to weatherization contained in Project Retro-Tech, FEA Conservation Paper Number 28, including the advisory energy conservation techniques therein, or such other approaches which are approved by the Regional Administrator.

§ 440.18 Eligible dwelling units.

No dwelling unit shall be eligible for weatherization assistance under this part unless it is a dwelling unit of a family unit:

(a) Whose income is at or below the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; or

(b) Which contains a member who has received cash assistance payments under Titles IV or XVI of the Social Security Act or applicable State or local law paid during the 12-month period preceding the Federal fiscal year in which funds were obligated for financial assistance to such dwelling unit.

§ 440.20 Oversight responsibility.

(a) The Administrator and the appropriate Regional Administrator, in coordination with the Director, shall monitor and evaluate the operation of projects carried out by CAA's receiving financial assistance under this part through on-site inspections, or through other means, in order to assure the effective provision of weatherization assistance for the dwelling units of low-income persons.

(b) FEA shall also carry out periodic evaluations of the program and projects not carried out by a CAA and receiving financial assistance under this part.

(c) The Administrator and the appropriate Regional Administrator, the Director with respect to CAA's and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under the Act.

(d) Each grantee shall conduct, on an annual basis, an audit of the pertinent records of any sub-grantee receiving financial assistance under this part.

§ 440.21 Recordkeeping.

Each grantee or sub-grantee receiving Federal financial assistance under this part shall keep such records as FEA shall require, including records which fully disclose the amount and disposition by each recipient of the funds received, the total cost of the project or program for which such assistance was given or used, the source and amount of funds for such project or program not supplied by FEA, and such other records as FEA deems necessary to facilitate an effective audit and performance evaluation. Such recordkeeping shall be in accordance with Federal Management Cirular 74-7 and any further requirements of this regulation or which may otherwise be established by FEA under the terms and conditions of a grant.

§ 440.22 Quarterly reports.

Each grantee receiving financial assistance under this part shall submit a quarterly program performance report and a quarterly financial report to the appropriate Regional Administrator. The program performance report shall contain such information as the Administrator may prescribe in order effectively to monitor the progress of a grantee.

§ 440.30 Administrative review.

(a) If a timely application submitted by a State or eligible local applicant fails to meet the requirements of this part, the Regional Administrator will return the application to the applicant together with a written statement of the reasons why the application fails to meet such requirements.

(b) The applicant will have a reasonable period, as determined by the Regional Administrator, to amend its application and to resubmit it by a specified date for reconsideration.

(c) The Regional Administrator shall give notice to the applicant in the event that the Regional Administrator determines that:

(1) Any application resubmitted by an eligible applicant in accordance with paragraph (b) of this section fails to comply with this regulation; or

(2) Any application returned to an eligible applicant pursuant to paragraph (a) of this section is not timely resubmitted as provided in paragraph (b) of this section.

(d) The Regional Administrator shall give notice to the grantee in the event the Regional Administrator finds there is a failure by a grantee to comply substantially with the provisions of this part.

(e) The Regional Administrator shall issue such notice in the form of written notice mailed by registered mail, return receipt requested, to the applicant (or grantee) and other interested parties including:

(1) A statement explaining why there has not been compliance with the regulations;

(2) A statement indicating the necessary amendments or other actions, if any, which would create compliance under the regulations;

(3) The date, place and time on which a public hearing will be held by the Administrator, one subject of which will be the proposed determination, which hearing shall in no event be later than 15 working days after receipt of such notice; and

(4) The manner in which views may be presented.

(f) Any party which has received notice under paragraph (d) of this section:

(1) May make a written submission of its views with supporting data and arguments to the Regional Administrator on or prior to the date of the public hearing; and

(2) Will be afforded an opportunity to make an oral presentation at the public hearing.

(g) The Regional Administrator shall consider all relevant views and data including arguments and other submissions made at the public hearing. The Regional Administrator shall make a final determination accompanied by a written statement stating the reasons for the determination not later than 5 working days after the public hearing.

(h) A State or eligible local applicant may file a written appeal on an adverse final determination made by the Regional Administrator under paragraph (g) of this section to the Administrator not later than 10 working days after receipt of the Regional Administrator's determination. The Administrator shall have 21 working days to consider the appeal and take any action with respect thereto which he deems appropriate. Any action taken by the Administrator shall be the final determination of FEA. Upon the expiration of the 21 working day period if no action has been taken by the Administrator, the final determination of the Regional Administrator shall be the final determination of FEA.

(i) Anything herein to the contrary notwithstanding, the public hearing required by paragraph (e)(3) of this section may be combined, at the discretion of the Regional Administrator, with any other public hearing in the State conducted pursuant to this part.

(j) Upon issuance of the notice provided in paragraph (d) the Regional Administrator may suspend payments to any grantee pending a final determination. If the Regional Administrator makes a final determination of failure to comply, the grantee will no longer be eligible to participate in the program until the Regional Administrator is satis-

fied that there is no longer any such failure to comply.

APPENDIX A—*Standards for weatherization materials*

Material or product	Standards
Insulation-air spaces: Reflective.	Conformance to F.S. HH-I-1252A.
Storm windows:	
Aluminum frame.	Equivalent to ANSI A134.3-1972.
Wood frame	Conformance to sec. 3 of NWMA Industry Standard I.S.2-73.
Rigid vinyl frame.	Conformance to NBS Product Standard PS26-70 and performance guarantee.
Frameless plastic glazing.	Required minimum thickness, 6 ml (0.006 in).
Storm doors:	
Aluminum	Equivalent to ANSI A134.4-1972.
Wood:	
Pine	Conformance to sec. 3 of NWMA I.S.5-73.
Fir, hemlock, spruce.	Conformance to sec. 3 of FHDA/5-75.
Hardwood veneered.	Conformance to sec. E of NWMA I.S.1-73.
Rigid vinyl	Conformance to NBS Product Standard PS26-70 and performance guarantee.
Caulks and sealants.	Commercial availability.
Weatherstripping	Do.
Vapor barriers	Conformance to ASTM C755-73.
Clock thermostats	Commercial availability.
Insulation-mineral fiber:	
Blanket/batt	Conformance to F.S. (1) HH-I-521E and ASTM 0665-70.
Board	Conformance to F.S. HH-I-526C and ASTM 0612-70 or C726-72.
Duct material	Conformance to F.S. HH-I-545B.
Loose-fill	Conformance to F.S. HH-I-1030B and ASTM C764-73.
Insulation-mineral cellular:	
Aggregate board	Conformance to F.S. HH-I-529B.
Cellular class	Conformance to F.S. HH-I-551B and ASTM C552-73.
Perlite	Conformance to F.S. HH-I-574A and ASTM C549-73.
Vermiculite	Conformance to F.S. HH-I-585B and ASTM C516-67.
Insulation-organic fiber:	
Cellulose-classes 25 and 75.	Conformance to F.S. HH-I-515C and ASTM C739-73 (loose-fill).
Cellulose-class 200.	Conformance to F.S. HH-I-515C and ASTM C739-73 (loose-fill) and fire safety requirements (2).
Vegetable	Conformance to F.S. HH-I-528B and fire safety requirements.
Board and block	Conformance to F.S. LLL-I-535A and ASTM C208-72 and fire safety requirements.
Insulation-organic cellular:	
Polystyrene board.	Conformance to F.S. HH-I-524B and ASTM C578-69 and fire safety requirements.
Urethane board	Conformance to F.S. HH-I-530A and ASTM C591-69 and fire safety requirements.
Flexible unicellular.	Conformance to F.S. HH-I-573B and ASTM C534-70 and fire safety requirements.

NOTES

1. F.S. means federal specifications as cited, copies of which may be obtained from Specifications Sales, Building 197, Washington Naval Yard, General Services Administration, Washington, D.C. 20407.

2. For fire safety requirements, see Sec. 2.1.3.1 of NBSIR 75-795 which may be obtained from FEA.

[FR Doc.77-9536 Filed 3-28-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545 and 561]

[No. 77-198]

FEDERAL SAVINGS AND LOAN SYSTEM AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Certain Loans in Excess of 90 Percent of Value and Definition of "Scheduled Items"

MARCH 23, 1977.

SUMMARY

The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. PRESENT REGULATIONS

State-chartered institutions must include in "scheduled items" their loans and contracts to facilitate sale by them of real estate owned while such loans or contracts have unpaid principal balances in excess of 90 percent of the value of the real estate security when such loans and contracts are subject to no State lending limitations as to maximum amount. Also, certain such loans and contracts of Federal associations require private insurance or a specific reserve account.

II. PROPOSED REGULATIONS

This proposal would permit State-chartered institutions to exclude from their "scheduled items" such loans and contracts having unpaid principal balances over 90 percent (but not over 95 percent) of the value of the real estate security, if such loans and contracts meet the requirements of § 545.6-1(a)(5) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)(5)) regarding loans over 90 percent of value.

Also, the proposal would exclude such loans and contracts from the requirement of private insurance or specific reserve in § 545.6-1(a)(5)(v), so that such loans and contracts by any insured institution, including Federal associations, would not be scheduled items merely because of noncompliance with that requirement.

III. REASON FOR PROPOSAL

To establish substantial parity between State-chartered FSLIC-insured institutions and Federal associations regarding inclusion of such loans and contracts as "scheduled items."

The Federal Home Loan Bank Board considers it desirable to propose to amend § 545.6-1(a)(5)(v) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)(5)(v)) and § 561.15(d)(2) of the rules and regulations for Insurance Accounts (12 CFR 561.15(d)(2)) for the principal purpose of excepting from "scheduled items" certain loans and contracts to facilitate sale of real estate owned having unpaid principal balances in excess of 90 percent of the value of the real estate security.

Present regulations provide, in part and in substance, that a Federal savings and loan association's loans and contracts to facilitate sale of real estate owned are not "scheduled items" if they meet the requirements of § 545.6-1 of the Federal Regulations, including, where applicable, the requirements in (a)(5) of that section for loans over 90 percent of value of the real estate security. As to State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation, the present rule as to "scheduled items" is as follows:

1. Such a loan or contract to facilitate is not a "scheduled item" under § 561.15(d)(2) if it complies with applicable maximum amount lending limitations.

2. Such loan or contract is a "scheduled item" under § 561.15(d)(2) if there are no applicable maximum amount lending limitations and its unpaid principal balance exceeds 90 percent of the value of the real estate security.

This proposal would, in substance, exclude from "scheduled items" a State-chartered insured institution's over-90-percent-of-value loan or contract to facilitate sale of real estate owned which is subject to no lending limitation as to maximum amount when it complies with all of the provisions of § 545.6-1(a)(5) of the Federal Regulations regarding over-90-percent-of-value loans by Federal associations. Also, under the proposal, such loans and contracts of any insured institution, including Federal associations, would not be subject to the requirement of private mortgage insurance or specific reserve in § 545.6-1(a)(5)(v), and would therefore not be scheduled items merely because of noncompliance with that requirement.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by May 2, 1977, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

Accordingly, the Board hereby proposes to amend said §§ 545.6-1(a)(5)(v) and 561.15(d)(2) to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6–13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property:*

* * * * *

(5) *Loans in excess of 90 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 95 percent in the case of any loan with respect to which the requirements set forth in subdivisions (i), (iii), (iv) (v), (vi), and (viii) of subparagraph (4) of this paragraph are met and with respect to which the following additional requirements are met:

* * * * *

(v) Except as to a loan or contract to facilitate the sale of real estate owned, either:

(*a*) That as long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portion of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation; or

(*b*) The association establishes and maintains a specific reserve with respect t such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

* * * * *

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(d) Loans secured by, and contracts for the sale of, real estate described in paragraph (c) of this section and real estate previously owned or held by an insured institution for development or investment purposes (other than insured loans, guaranteed loans, or contracts or loans having the benefit of a guaranty by the Federal Savings and Loan Insurance Corporation) during the period that such loans or contracts:

* * * * *

(2) have unpaid principal balances in excess of the maximum amounts permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, in excess of 90 percent (95 percent, if the requirements of § 545.6–1(a)(5) of this chapter are met) of the value of the real estate securing such loans or sold under such contracts; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

* * * * *

(Sec. 5 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943–48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77–9741 Filed 3–31–77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 30631; PDR–46]

STANDARDIZED METHOD FOR COSTING PROPOSED CHANGES IN THE AUTHORIZED OPERATIONS OF LOCAL CARRIERS

Notice of Proposed Rulemaking

Correction

In FR Doc. 77–8636 appearing at page 15916 in the issue for Thursday, March 24, 1977, on page 15921 in 302.1105(h)(1), the fourth line should read "ascertained in paragraphs (b)(3), (c) * * *", instead of "ascertained in paragraphs (d)(3), (c) * * *".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Requirements for Entitlement or Reentitlement to Child's Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Subpart D of Part 404 of Title 20 of the Code of Federal Regulations (20 CFR) define the term "unmarried" as used in the initial entitlement provisions for child's benefits, and the meaning of the term "has not married" as used in the reentitlement provision for child's benefits. They also specify that a child does not need to reestablish dependency as a condiiton for reentitlement. The proposed amendments incorporate existing policy, and are intended to avoid possible misunderstandings of present regulations. Interested parties are given 45 days from the date of publication of this notice in which to submit any data, views or arguments.

Section 202(d)(1) of the Social Security Act provides that one of the requirements for initial entitlement to child's benefits is that the child be unmarried at the time of application. The proposed amendments to the regulations define "unmarried" as not currently married. A child whose marriage is void or has been annulled or has been terminated by death or divorce, is considered to be unmarried. The policy enunciated by this definition has been in effect since 1941.

Section 202(d)(6) of the Act, specifies the conditions under which a child whose entitlement to child's insurance benefits terminated, with the month preceeding the month the child attained age 18 or later, may become reentitled. The reentitlement provisions state a child may become reentitled to child's benefits provided he has not married since his prior entitlement. The proposed amendments provide that for purposes of reentitlement, a child whose marriage has been voided or annulled is considered to have never married. However, a claim for reentitlement can not be treated as if the child had not married, if the annulling court awards permanent alimony or retains jurisdiction under State law to grant permanent alimony in the annullment action.

The proposed amendments cited in the two preceding paragraphs are intended to show the differences between the term "unmarried" used with respect to initial entitlement provisions, and the term "has not married" used with respect to reentitlement to child's benefits. "Unmarried" connotes the status of being not currently married, while "has not married" refers to the status of not having married at all since initial entitlement to child's benefits. A marriage which terminated by death of the spouse or divorce is not a bar to initial entitlement to child's benefits, but would constitute a bar to reentitlement.

Since section 202(d)(6) of the Act does not require reestablishing dependency, the proposed amendments specifically state that a child does not need to reestablish dependency as a condition for reentitlement.

Accordingly 20 CFR 404.320(a)(3) and (b) are being revised and paragraphs (c)(6) and (c)(7) are being added to define "unmarried" as used in initial entitlement provisions, to clarify the meaning of the term "has not married" as used in the reentitlement provisions, and to specify that a child does not need to reestablish dependency as a condition for reentitlement.

If there are any questions concerning these amendments, you may contact Mr. S. J. Weissman, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7341.

Prior to final adoption of the proposed amendments to the regulations consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 16, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 202(d)(1), 202(d)(6), 205(a), and 1102 of the Social Security Act, 49 Stat. 623, 49 Stat. 624, 49 Stat. 647 as amended; 42 U.S.C. 402(d)(1), 402(d)(6), 405(a), and 1302.)

(Catalog of Federal Domestic Assistance Programs No. 13.802, Social Security—Disability Insurance, 13.803, Social Security—Retirement Insurance; 13.805—Survivor's Insurance.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 7, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

Section 404.320 is amended by revising paragraphs (a)(3) and (b), and adding paragraphs (c)(6) and (c)(7) to read as follows:

§ 404.320 Child's insurance benefits; conditions of entitlement.

(a) *Entitlement.* A child is entitled to a child's insurance benefit if he:

* * * * *

(3) Is unmarried (see paragraph (c)(6) of this section) at the time such application is filed; and

* * * * *

(b) *Reentitlement.* A child whose entitlement to benefits terminated with the month before the month he attained age 18 or later, may thereafter again become entitled to benefits without reestablishing dependency, provided he has not married (see paragraph (c)(7) of this section and § 404.321(b)(2)) since his last entitlement. Reentitlement to benefits is effective upon filing application for such reentitlement beginning with:

* * * * *

(c) *Definition of terms.* * * *

(6) *Unmarried.* The term unmarried, as used in paragraph (a)(3) of this section, means not currently married. A child whose marriage is void or has been annulled or has been terminated by death or divorce, is considered to be unmarried.

(7) *Has not married.* The term has not married, as used in paragraph (b) of this section, means to have never married or to have had a marriage which was voided or annulled (and for which no permanent alimony has been granted or the annulling court does not retain jurisdiction to grant alimony). It does not include a child whose marriage was terminated by death of the spouse or divorce.

[FR Doc.77-9824 Filed 3-31-77;8:45 am]

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Establishment of Cost Basis on Purchase of Facility as an Ongoing Operation, and Transactions Involving Provider's Capital Stock

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to the regulations set forth in tentative form below, is proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendment is a new paragraph (l) to § 405.415 that describes the intenaction of various program regulations, together with applicable legal and accounting principles, when applied to complex financial transactions. Section 405.415(l) incorporates into Subpart D existing program policy applicable to those transactions involving a provider's capital stock (see Social Security Ruling 75-22, Cumulative Bulletin 1975, p. 107). As a result of two decisions issued by the Provider Reimbursement Review Board, the Social Security Administration believes there is a need for more definitive and detailed explanation of this program policy in Subpart D. The Provider Reimbursement Review Board ruled in both decisions that the purchase of a corporate provider's capital stock should be considered a purchase of the corporate assets and, for program purposes, a revaluation of asset basis and the recognition of goodwill should be permitted upon such a transaction. Both decisions were reversed by the Commissioner. Moreover, this issue is being litigated in various Federal Courts. The purpose of the proposed addition to the regulation is to place together in one section of the reimbursement regulations various other health insurance program regulations that define program policy applicable to the purchase of the capital stock of a corporate provider. As the proposed amendment codifies longstanding program policy and does not propose new policy, the publication of the proposed amendment does not require a Notice of Intent. It is believed that publication of this notice requesting comments will provide ample time for comment and adequate notice and opportunity for participation by all interested individuals and organizations. This is in keeping with the spirit and intent of the Secretary's policies for the development of regulations announced on July 25, 1976. The proposed amendments are a specific interpretation of existing program policy based on previously promulgated regulations. Interested parties will have 45 days from publication in the Federal Register to submit their views and comments.

Proposed paragraph (l) describes the interaction of various health insurance program regulations, together with the legal and accounting principles applied to complex financial transactions. As stated in existing § 405.626(c), a transfer of corporate stock does not constitute a change of provider ownership. Thus, the transfer of corporate stock does not result in a termination of the provider agreement; the existing provider agreement continues in effect, and there is no basis for any change in health insurance program reimbursement to the provider. In addition, other health insurance program regulations are consistent with this position. Paragraph (a)(1) of § 405.415 states that depreciation must be "* * * recorded in the provider's accounting records," and paragraph (a)(2) of § 405.415 states that depreciation must be "based on the historical cost of the asset." Historical cost is defined in paragraph (b)(1) of § 405.415 as the "cost incurred by the present owner in acquiring the asset." Section 405.429 states that the provider's equity capital is the "provider's investment in plant, property and equipment related to patient care." These regulations, when read together with § 405.626(c), enunciate the principle that, as a transfer of corporate stock does not result in a termination of the provider agreement, there has been no change in the provider's status with respect to the health insurance program, and there is no basis for any change in the health insurance program's reimbursement to the ongoing provider.

A second provision of the proposed amendment (§ 405.415(l)(2)) points out that a statutory merger is treated as a sale of assets.

A third provision of the proposed amendment (§ 405.415)(l)(3)) points out that a statutory merger between related parties, or a consolidation of two or more providers, is treated under § 405.427 and no revaluation of assets or recognition of good will is permitted as a result of such transaction. Section 405.427 describes those conditions under which the related party principle should be applied. Paragraph (g) of § 405.415 states that in a non bona fide sale, the purchaser's cost basis shall not exceed the seller's cost basis less accumulated depreciation.

The proposed revision of paragraph (1) of § 405.415 is also consistent with paragraph (f) of § 405.415. Paragraph (f) deals with the way in which gains or losses on disposal of depreciable assets are treated under the health insurance program. When a provider's assets are sold the transaction causes adjustments to the seller's health insurance program allowance for depreciation based upon the gain or loss on the sale of the asset. Because a sale of corporate stock is not a sale of the corporation's assets, the provisions of paragraph (f) of § 405.415 are not applicable to the seller after such a transaction.

Furthermore, based upon basic principles of corporation law, a stockholder and the corporation are distinct legal entities, with title to the corporate

property vested in the corporation itself and not in the stockholder. Thus, transfer of corporate stock ownership does not result in a transfer or change in ownership of corporate assets. Accounting principles also support this position because a transfer of stock does not result in any change in the recorded value of the corporation's assets, liabilities, or net worth.

The proposed revision to paragraph (g) of § 405.415 merely adds clarifying words and subtitles and is not related to the proposed addition of paragraph (l) of § 405.415.

If there are any questions concerning this regulation, you may contact Mr. John Jansak, Branch Chief, Provider Reimbursement Policy Branch, Division of Provider Reimbursement and Accounting Policy, Bureau of Health Insurance, Room 405, East Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone number 301-594-9820. Mr. Jansak will respond to questions, but will not accept comments on this regulation.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, Post Office Box 1585, Baltimore, Maryland 21203, on or before May 16, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

Secs. 1102, 1814(b), 1833(a), 1861(v), and 1871 of the Social Security Act; 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 302, as amended, 79 Stat. 322, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395(b), 1395(a), 1395x(v), and 1395hh.) (Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

NOTE: It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an inflation impact evaluation.

Dated: January 17, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of title 20 of the Code of Federal Regulations as amended is further amended as set forth below:

In § 405.415 paragraph (g) is revised and paragraph (l) is added to read as follows:

§ 405.415 Depreciation; Allowance for depreciation based on asset costs.

* * * * *

(g) *Establishment of cost basis on purchase of facility as an ongoing operation.*—(1) *Purchase of assets.* In establishing the cost basis for the assets of a facility purchased as an ongoing operation after July 1, 1966, the price paid by the purchaser shall be the cost basis where the purchaser can demonstrate that the sale was a bona fide sale and the price did not exceed the fair market value of the facility at the time of the sale. The cost basis for depreciable assets shall not exceed the fair market value of those assets at the time of sale.

(2) *Transactions other than bona fide.* If the purchaser cannot demonstrate that the sale was bona fide, the purchaser's cost basis shall not exceed the seller's cost basis, less accumulated depreciation.

(3) *Assets acquired August 1, 1970, or later.* For depreciable assets acquired August 1, 1970, or later, the cost basis of the depreciable assets shall not exceed the current reproduction cost depreciated on a straight-line basis over the life of the assets to the time of the sale.

(4) *Facilities purchased August 1, 1970, or later.* Where a facility is purchased as an ongoing operation August 1, 1970, or later, the cost basis shall not exceed the fair market value of the tangible assets purchased, subject to the limitations in paragraph (g) (1), (2), and (3) of this section applicable to the depreciable assets.

* * * * *

(l) *Transactions involving provider's capital stock*—(1) *Acquisition of capital stock of a provider.* The acquisition of the capital stock of a provider does not give rise to a revaluation of the provider's assets, nor may any of the excess paid over the book value of the provider's assets be included in the computation of equity capital for program reimbursement purposes. Any interest expense incurred as a result of such an acquisition is not an allowable cost for health insurance program purposes, as it is not incurred on a loan made for a purpose related to patient care (see § 405.419(b)(2)(ii)). An example of this type of transaction is one in which Corporation A purchases the capital stock of Corporation B, the provider. Corporation B continues as the provider after the purchase and Corporation A is merely the stockholder.

(2) *Statutory merger.* (i) A statutory merger for health insurance program purposes is a combination of two or more corporations with one of them surviving, effected according to the requirements and procedures set forth in the corporation laws of the State of incorporation, and the surviving corporation becomes the owner of the assets and liabilities of the merged corporation(s) by operation of State law. (ii) If the statutory merger is between two or more corporations which are unrelated (for purposes of paragraph (l)(3) of this section or of § 405.427), and one of the merged corporations is a provider, and the provider is the nonsurviving corporation, the assets of the merged corporation(s) acquired by the surviving corporation are subject to the provisions of paragraph (g) (1), (3), and (4) of this section, and the former provider corporations are subject to those health insurance program policies applicable to terminated providers (e.g., see paragraphs (d)(3) and (f) of this section). An example of this type of transaction is one in which Corporation A, a nonprovider, and Corporation B, the provider, are combined by a statutory merger, with Corporation A being the surviving corporation. In such a case the assets of Corporation B acquired by Corporation A are subject to revaluation, as defined in paragraph (g) of this section. (The basis of the assets owned by the surviving corporation before the merger are unaffected by the transaction.)

(3) *Statutory merger between related parties or consolidation.* The statutory merger of two or more related corporations, or the consolidation of two or more providers resulting in the creation of a new corporate entity, is treated as a transaction between related parties (see § 405.427). No revaluation of assets is permitted for those assets acquired by the surviving corporation, nor is the recognition of good will for equity capital purposes permitted for such transactions that occurred before August 1970. An example of this type of transaction is one in which Corporation A purchases the capital stock of Corporation B, the provider. Immediately after the acquisition of the capital stock of Corporation B, there is a statutory merger of Corporation B and Corporation A, with Corporation A being the surviving corporation. Under these circumstances, the statutory merger is a transaction between related parties and does not give rise to a revaluation of the provider's assets.

[FR Doc.77-9823 Filed 3-31-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 602]

TEMPORARY ALIEN CERTIFICATION PROGRAM

1977 Adverse Effect Rates

AGENCY: Department of Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is proposing to issue its annual updating of its adverse effect rates for the temporary alien certification program. Adverse effect rates are minimum rates which the Department has determined must be offered and paid by the employers of temporary alien agricultural and logging workers in order to prevent the employment of such aliens from having an adverse effect on the wages of U.S. workers.

DATES: Comments on the proposed rule are due by May 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Aaron Bodin, Chief, Division of Labor Certifications, United States Employment Service, Room 8410, 601 D Street, NW., Washington, D.C. 20213. (202-376-6295).

SUPPLEMENTARY BACKGROUND:

BACKGROUND

Section 214.2(h)(3)(i) of the Immigration and Naturalization Service Regulations (8 CFR 214.2(h)(3)(i), issued under the Immigration and Nationality Act, requires, in support of a petition for the admission of an alien into the United States to perform certain temporary labor:

Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made, shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act. * * *

Each year the Department undates its adverse effect rates so that, in light of current economic conditions, employers will be required to offer workers a wage which will not adversely affect the wages of U.S. workers.

RELATIONSHIP OF PROPOSED RULE TO PROPOSED REGULATIONS FOR 20 CFR PART 665

On January 25, 1977, at 42 FR 4670, the Department proposed comprehensive new regulations for the entire labor certification process for the temporary employment of aliens in the United States in agricultural and logging occupations. Those regulations, when eventually finalized, were proposed to be placed into a new Part 655 in 20 CFR, and to replace all the present regulations at 20 CFR 602.10, 10a, and 10b. The rule proposed in this document, however, is merely the annual update of the adverse effect rates. Because of the considerable interest shown by the public in the January 25 proposed comprehensive revision, the Department expects that it will be some time before the January 25 proposal will be finalized. The Department expects, however, that the new adverse effect rates proposed in this document will be finalized shortly after the end of the thirty-day comment period.

WHERE TO SEND COMMENTS

Comments on the proposed rule should be sent to the Assistant Secretary for Employment and Training, Attn: William B. Lewis, Administrator, United States Employment Service, Room 8000, 601 D Street, NW., Washington, D.C. 20213.

Accordingly, 20 CFR 602.10b, paragraph (a)(1), is proposed to be revised to read as follows:

§ 602.10b Wage rates.

(a)(1) Except as otherwise provided in this section, the hourly wage rates set forth below shall be offered and paid to agricultural workers. The Department has found that, unless these wage rates are offered and paid, the wage rates of similarly employed U.S. workers will be adversely affected.

State:	Rate
Connecticut	$2.75
Maine	2.84
Massachusetts	2.70
New Hampshire	2.97
Rhode Island	2.72
Vermont	2.93
New York	2.70
Maryland	2.43
Virginia	2.63
Florida (sugar cane only)	3.23

Signed at Washington, D.C. this 25th day of March, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-9519 Filed 3-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 109]

[Docket No. 77N-0080]

POLYCHLORINATED BIPHENYLS (PCB'S)

Unavoidable Contaminants in Food and Food Packaging Materials; Reduction of Temporary Tolerances

AGENCY: Food and Drug Administration.

ACTION: Proposed reduction of temporary tolerances for polychlorinated biphenyls (PCB's).

SUMMARY: The Food and Drug Administration (FDA) is proposing to reduce the temporary tolerances for unavoidable residues of the industrial chemicals PCB's in several classes of food. Specifically, the agency is proposing to reduce the tolerances in milk and dairy products from 2.5 parts per million (ppm) to 1.5 ppm (fat basis); in poultry from 5 ppm to 3 ppm (fat basis); in eggs from 0.5 ppm to 0.3 ppm, and in fish and shellfish from 5 ppm to 2 ppm.

DATES: Comments on or before May 31, 1977.

ADDRESSES: Written comments on this proposal may be sent, in quadruplicate, to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: PCB's are a class of toxic industrial chemicals that are highly stable, heat resistant, and nonflammable. By late 1971, the unique physical and chemical properties of PCB's and their widespread, uncontrolled industrial application had resulted in their becoming a persistent and ubiquitous environmental contaminant. One consequence of the contamination of the environment with PCB's was the indirect contamination of certain foods.

REGULATORY HISTORY

In the FEDERAL REGISTER of July 6, 1973 (38 FR 18096), the Commissioner of Food and Drugs issued regulations under Part 122 (21 CFR Part 122), to deal with the problem of contamination of animal feeds, foods, and food packaging materials with PCB's. Among these regulations are those establishing temporary tolerances for unavoidable PCB residues resulting from environmental contamination of milk and dairy products, poultry, eggs, fish and shellfish, infant and junior foods, and feed and feed components for food producing animals. There is also a temporary tolerance for PCB's in paper food-packaging material intended for or used with human food, finished animal feed and components intended for animal feeds, which is currently stayed (by order published in the FEDERAL REGISTER of August 24, 1973 (38 FR 22794)) pending completion of an evidentiary hearing under sections 406 and 701(e) of the act (21 U.S.C. 346 and 371 (e)). In establishing these tolerances as "temporary" the Commissioner recognized that, in the future, unavoidable PCB contamination should decrease. The stated intention of the Commissioner has thus been to reduce the temporary tolerances as PCB contamination became less unavoidable.

At the National Conference on PCB's sponsored by the Environmental Protection Agency (EPA) on November 19 through 21, 1975, in Chicago, FDA announced that it had initiated a review of the appropriateness of the current temporary tolerances. (The proceedings from the National Conference have been published and a copy is on file in the office of the Hearing Clerk.) In a notice published in the FEDERAL REGISTER of February 26, 1976 (41 FR 8409), the Commissioner issued a statement of policy regarding PCB's in certain freshwater fish. The notice discussed the review of the temporary tolerances and stated that if, on the basis of this review, lowering of any of the temporary tolerances was warranted, the Commissioner would issue a proposal in the FEDERAL REGISTER to amend the existing PCB regulations.

TOXICITY OF PCB'S

The temporary tolerances established in 1973 were arrived at after evaluation of the best available toxicological data. Data from long-term (2-year) animal studies established that a no-effect level in rats and dogs for PCB's with three levels of chlorination (42, 54, or 60 percent) is 10 ppm. These animal data were used as a basis for estimating a no-effect level in man. When data derived from dogs were used, a no-effect level of 2.5 micrograms per kilogram (g/kg) body weight per day was calculated. When rat data were used, the no-effect level in man was 3g/kg body weight per day. Thus, for a 70-kilogram individual (approximately 155 pounds), an allowable level of PCB ingestion would be 175 to 210 micrograms per day.

When establishing tolerances for environmental contaminants, such as,

PCB's, it is preferable, though not always possible, to rely on human rather than animal data. In the case of PCB's, human data were available from the unfortunate "Yusho" poisoning incident in Japan in 1968 in which many individuals consumed rice oil contaminated with PCB's. The rice oil involved in the Yusho incident was contaminated with Kanechlor 400, a Japanese brand of PCB containing 48 percent (by weight) chlorine. The 48 percent (by weight) chlorine-containing PCB Aroclor 1248, an American product, is very similar to the Kanechlor 400. Consequently, the human data derived from the Yusho incident, though stemming from exposure to a Japanese PCB, were relevant and significant in establishing a temporary tolerance for residues resulting mostly from American-made PCB's.

The victims in the Yusho incident were calculated to have consumed an average of 15,000 milligrams per day (mg/day) of the rice oil contaminated with Kanechlor 400. At that time the rice oil was determined to be contaminated at levels of 2,000 to 3,000 ppm PCB's, the average level of PCB contamination in the oil being 2,500 ppm. The levels of PCB contamination of the oil were calculated by comparing the measured organic chlorine content of the rice oil with the known organic chlorine content of Kanechlor 400. Using the two average levels (consumption of rice oil and PCB level in the rice oil), the average daily intake of PCB's was estimated to be 37.5 mg/day. The average cumulative dose of PCB's that caused an overt effect in the Japanese victims was reported to be 2,000 milligrams. Based on the average daily intake of 37.5 mg/day, it would take 53 days of exposure for an individual to consume this amount. Actual periods of exposure no doubt varied around this figure. However, it was estimated that the maximum exposure at Yusho would have been 100 days.

Humans in the United States have not been exposed to PCB's at the concentrated levels that existed in the Yusho incident. General public exposure in the United States to PCB's has been sporadic. In developing temporary tolerances based on the data from the Yusho incident, a time period of 1,000 days of exposure to PCB's was used. As previously stated, this was not an analysis based on lifetime exposure. Rather, it was postulated that PCB levels in food would steadily decrease over the 1,000-day time period used in the calculation. The sporadic exposures in the United States were generally thought to result mainly from contaminated animal feed and, as measures were adopted to prevent future contamination, the PCB level in food was expected to be reduced. In calculating a total allowable exposure from the average overt dose in the Yusho incident, a safety factor of 1 to 10 was used and a total allowable exposure of 200 milligrams was calculated. Because of the sporadic nature of PCB exposure in the United States, the total exposure (200 milligrams) was spread out over the 1,000-day time period (over 10 times as long as Yusho exposure) providing a tolerable daily exposure of no more than 200 micrograms per day. Transforming this figure to body weight per day for a 70-kilogram adult produced a figure of 3 μg/kg body weight per day.

As indicated previously, FDA established the temporary tolerances for PCB's in 1973 with the clear intent that they should be lowered as experience indicated the appropriateness of such changes. The Chairman of the HEW Committee to Coordinate Toxicology and Related Programs established a Subcommittee on the Health Effects of PCB's and Polybrominated Biphenyls (PBB's), whose purpose was to assess new data developed since 1973 on the toxicology, human exposure to PCB's and cources of residues of PCB's, and to formulate recommendations about future research needs. This subcommittee, composed of scientists from several governmental agencies concerned with PCB's, reviewed all the currently available scientific literature and has released its final report. A copy of the report is on file in the office of the Hearing Clerk.

This information, as well as information obtained since the subcommittee report was published, has been evaluated by FDA. Three problem areas with PCB's are of major concern to FDA, namely, new toxicity data on PCB's, studies that indicate PCB's are carcinogenic, and the presence of PCB's in the environment resulting in widespread occurrence of residues in freshwater fish.

It is known that the toxicity of chlorinated biphenyls depends upon the degree of chlorination and the isomeric form. The low chlorinated biphenyls tend to have a higher acute toxicity compared to the higher chlorinated biphenyls, whose different pattern of toxicity is associated in part with a longer biological half-life and less susceptibility to metabolic alteration or degradation by the liver and other organs (Reference 2). Studies have shown that PCB's containing six or fewer halogen atoms are readily absorbed from the intestine. They are not excreted to an appreciable extent before being metabolized to more polar compounds, and long-term storage in the skin and adipose tissue occurs. However, tissues from animals and man containing PCB's from environmental exposure have residues resembling PCB mixtures with more than 50 percent chlorination, suggesting that PCB's with five or fewer chlorine atoms (less than 50 percent chlorination) are more readily metabolized than the PCB's with higher chlorination (Reference 3).

Evaluation of the toxicity of specific PCB's is further complicated by the finding that commercial preparations of PCB's contain, as impurities, some quantity of chlorinated dibenzofurans (Reference 4). Certain isomers of the chlorinated dibenzofurans are appreciably more toxic than a similar amount of chlorinated biphenyls (Reference 5). More recent information from the Yusho episode has brought new factors into consideration with the finding that the rice oil contained approximately 1,000 ppm PCB, chlorinated dibenzofurans at approximately 5 ppm, and unknown organic chlorinated substances, which so far are unidentified, at approximately 1,000 ppm (Reference 6). It is not known whether the chlorinated dibenzofuran contaminant or the unidentified source of organic chlorine is a crucial toxic substance producing the symptoms observed in the Yusho incident, whether exposure to the 1,000 ppm PCB produced the observed effects, or whether an interaction occurred.

Different animal species vary in their susceptibility to the toxic effects of PCB's. However, evaluation of this susceptibility is complicated by a general lack of information on the detailed composition of the PCB mixtures used in the studies and the relationship between the composition of a PCB mixture and the toxicity of that mixture. PCB's have been shown to cause effects on reproduction, hepatic porphyria (Reference 7) and other biochemical changes in the liver (Reference 8) and gastric mucosa (Reference 9) as well as liver tumors (Reference 10). In primates, the skin and the Meibamian glands are affected, in addition to the liver and gastric mucosa (Reference 11). In the rabbit, atrophy of the thymus has been reported (Reference 12). The levels causing these effects depend on the species and the compound tested. In rats, a dietary level of 20 ppm Aroclor 1254 depressed reproduction while a level of 500 ppm Aroclor 1260 was needed to reduce reproduction in the same strain of rats (Reference 13). Dietary levels of 5 ppm Aroclor 1254 have a marked effect on reproduction in the mink (Reference 14), and limited studies have shown that 2.5 ppm Aroclor 1248 affects reproduction in nonhuman primates (Reference 15).

Numerous biochemical systems are reported to be affected by PCB's. Hepatic porphyria has not been reported in the monkey, mink or human, but Aroclor 1254 or Aroclor 1242 and Aroclor 1016 have produced it in the rat (Reference 7). The female rat is more sensitive than the male and Aroclor 1016 is less active than either Aroclor 1254 or 1242 (Reference 7). Other biochemical changes reported in the liver include lipid accumulation induction of microsomal enzymes, including the hydroxylase and demethylase enzymes as well as an increase in cytochrome PL-448 (Reference 16). Mitochondrial function is inhibited when rats are fed extremely high levels of PCB (1,000 ppm) but not at 100 ppm (Reference 17).

Histological and ultrastructural changes in the liver reflect the observed biochemical changes, and include hepatomegaly with a concomitant increase in smooth endoplasmic reticulum, atypical mitochondria and the formation of "fingerprints" in the hepatic cytoplasm. These changes are more pronounced at higher dose levels, and with Arcolor 1254 and 1260. The effects are less pronounced with Aroclor 1242 or 1016 (Reference 18).

Some of the new toxicity data relate to the carcinogenic effect of PCB's in mice and rats. In one strain of mice.

neoplastic nodules (hepatomas, hyperplastic nodules) developed after dietary exposure to Aroclor 1254 (Reference 19). Female Sherman strain rats fed 100 ppm Aroclor 1260 for 21 months developed hepatocellular carcinomas as well as neoplastic nodules (hyperplastic nodules) of the liver (Reference 8).

However, several problems remain to be resolved before the risk of carcinogenesis following exposure to environmental PCB's can be fully evaluated. For example, the commercial PCB's fed to the animals in the carcinogenicity studies were found to contain low levels of toxic impurities, including chlorinated dibenzofurans. It has not been established what the role of the dibenzofurans is in the development of the carcinogenic lesions. In addition, the relatively high levels of commercial PCB's required to produce the carcinogenic response suggest the probability that liver damage may be required before the onset of carcinogenesis.

Recent experiments with monkeys indicate that adult monkeys suffered illness and female monkeys had reproductive disfunction when exposed to PCB's (Aroclor 1248) in amounts comparable to those experienced by patients in the Yusho poisoning incident (References 11, 20, 41, and 42). Infant monkeys suffered illness when nursing from their mothers whose milk contained PCB residues at a range of approximately 7 to 16 ppm on a fat basis (References 15 and 42). Surviving weaned infants recovered from the overt toxic effects (References 41 and 42), but behavioral abnormalities were noted (Reference 21).

Recent preliminary survey data indicate the presence of PCB residues in human breast milk at levels averaging 1.8 ppm (fat basis) (Reference 22). This may present as yet undefined risks to the nursing infant. It is known that residues of other halogenated hydrocarbons occur in breast milk and are thus ingested by nursing infants (Reference 23). Although such exposure is obviously not desirable, the immediate problem is to attempt to define more precisely the potential risks to infant health.

The relevance of the observations in the monkey studies to human infants nursing on mothers' milk containing PCB residues (average values to 3.5 ppm fat basis (Reference 24)) due to maternal exposure to PCB's largely from environmental sources is not known. In the monkey study these residues in the milk of the maternal monkeys resulted from their exposure to a commercial preparation of Aroclor 1248. This contains approximately 40 percent tetrachlorinated biphenyls, an appreciable amount of trichlorinated biphenyls (Reference 25), and unknown quantities of at least five different chlorinated dibenzofurans (Reference 26). Additionally, the maternal monkeys were toxic and hence toxicity effects in the offspring monkeys may not be purely due to the relatively low levels of PCB's received through monkey milk. It is not known if this overt toxicity, as well as the toxic effect of contaminants of Aroclor 1248 present in commercial samples, and not shown to be present in environmental samples, had additional adverse effects on the monkey fetus in utero or upon the nursing infant monkey.

Additional investigations are needed to evaluate the potential adverse effects on human infants nursing from mothers whose breast milk contains PCB residues. Because of the long biological half-life of PCB's in the mammalian body, it is desirable to limit the exposures of females to PCB residues in food to the extent reasonably possible in order to reduce the likelihood that PCB residues might occur both in body fat and in breast milk. The Commissioner is concerned about transfer of PCB residues to the fetus through the placenta or to the infant through breast milk. Fetal and infant exposure to PCB's should clearly be minimized until possible adverse effects are more clearly defined.

After assessing recent toxicological data, the Commissioner concludes that it is desirable to reduce human exposure to PCB's even further. While the data do not support establishment of a new allowable daily intake of PCB's, especially in light of the studies regarding carcinogenicity, the Commissioner concludes that the predicted level of exposure discussed below is tolerable.

Human Exposure To PCB's

Contamination of foods with PCB's results primarily from four broad sources: (1) Environmental contamination—in fish from contaminated lakes and streams; (2) industrial accidents—isolated incidents involving direct leakage and spillage of, or contact with, PCB fluids and other PCB-containing materials on animal feeds, feed ingredients, or food; (3) agricultural contamination—PCB migration to feed from silo coatings, causing subsequent contamination of milk; and (4) food packaging materials—migration to foods packaged in PCB-contaminated paper products. There were a number of other positive findings in foods which could not be traced to one of these broad sources before 1972; the sources of such occasional findings remain speculative. However, in recent years, essentially all positive findings of PCB's in the food supply have been attributable to one or more of these four sources.

The findings of the FDA Total Diet Study for fiscal years 1971 through 1975 show that PCB levels in all food classes of the total diet have declined to no detectable PCB occurrence in the composites and no calculable daily intake of PCB's, except in the meat-fish-poultry composites. About 40 percent of these meat-fish-poultry composites analyzed in fiscal year 1975 continued to contain detectable PCB's, although only traces have been detected in the most recent years (Reference 1).

It is important to stress that review of PCB levels in the diet must be an ongoing process. In analyzing the health implications of PCB residues in the diet, one must exercise caution because review of partial data for a given year or even complete data on a year-by-year basis may led to false conclusions concerning trends. For example, fiscal year 1976 findings show that milk and eggs infrequently contain PCB residues, i.e., less than 1 percent frequency rate. However, animal feed components contained detectable PCB residue (about 8 percent frequency rate) at a rate higher than in fiscal years 1974 and 1975, but lower than the approximate 13 percent rate for fiscal year 1973. Most of the feed component samples found positive in fiscal year 1976 were of animal and it is expected that such year-to-year variations will be encountered. This increased incidence did not cause an increase in dietary intake of PCB's. In fact, the rate of meat-fish-poultry composites found positive for PCB's in the first half of the fiscal year 1976 Total Diet Study dropped to a low of 5 percent and the first half of the 1976 meat and poultry sampling by the U.S. Department of Agriculture (USDA) showed a reduction to a low occurrence rate of 0.2 percent (Reference 27).

Since 1973, PCB's have not been found in the other total diet composite categories, notably not in dairy product composites and the composites of grain and cereal products. Based on the total diet study, there remains a continued low level occurrence (above 40 percent positive in fiscal year 1975 but only at trace levels) in the meat-fish-poultry composites. The fact that levels in these composites have declined to only traces further supports the inference that the meat and poultry and eggs rarely contain detectable PCB's and that the low level findings are primarily due to the fish in those composites. This would imply that the PCB levels in an "average" total diet may have decreased as much as they will until such time as there is a change in the levels for fish (Reference 1).

Evidence indicates that residue levels higher than those reported in foods other than fish in the studies discussed above would generally be due to avoidable sources of contamination such as isolated accidental spills or the use of PCB coating in dairy farm silos with the resultant contamination of the silage and milk. The Commissioner concludes that in light of these findings of reduced levels of PCB's in foods, it is appropriate to lower the tolerances for unavoidable residues of PCB's.

Section 406 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346) requires that the Commissioner consider the ways in which individuals may be affected by PCB's, other than through consumption of food.

Although human exposure to PCB's from air and water appears to be minimal, there is little question that such exposure does occur. Samples of ambient air collected in Florida, Mississippi, and Colorado show that PCB's were present at all locations. The average concentration at each of the three locations was approximately 100 nanograms

per cubic meter of air. Studies of surface water from the major drainage basins of the United States report the widespread occurrence of PCB's in both surface water and bottom sediments. Main residue levels of PCB's in the surface water ranged from 0.01 to 0.05 micrograms per liter (μg/l), with a maximum residue level of 20.0 μg/l (Reference 28).

In Wisconsin, effluents from cooling water in aluminum foundries contained PCB's ranging from 11.5 to 335 parts per billion (ppb). Effluents from paper mills ranged from 0.01 to 25 ppb. Analysis of snow melt water from Wisconsin cities showed PCB residue levels of 0.17 to 0.24 ppb, suggesting that fallout of PCB's from the air may be an important source of PCB's entering the waters of the State (Reference 29).

In Michigan, testing of 900 samples of industrial effluents showed 22 percent had PCB residues greater than 0.5 μg/l, 8 percent greater than 1.0 μg/l, 6 percent greater than 10 μg/l and 2 percent greater than 100μg/l. With sludge disposal taking place by incineration, landfill and crop or pasture application, the continuation of PCB's in the environment seems obvious (Reference 30).

At this time there is no evidence of deleterious effects resulting from inhalation of PCB's from the air; contamination of water results primarily in the intake of dietary PCB's from fish as discussed below in this preamble. However, surveillance of the food supply of the United States for PCB residues is maintained through ongoing FDA sampling programs. Should PCB contamination prove to be wider than is now thought, these surveillance programs will be helpful in the detection, evaluation, and resolution of any potential problem.

Reports of adverse human health effects resulting from PCB exposure have come from studies of occupational exposure as well as from human exposure through ingestion of contaminated rice oil in Japan. Some of the earliest reports of adverse health effects due to occupational exposure to PCB's in the United States were published in 1936 and described skin lesions and symptoms of systemic poisoning among workers who were reported to have inhaled chlorodiphenyls (Reference 31). Over the ensuing years numerous reports have described cutaneous eruptions as well as systemic manifestations among marine electricians, machinists, capacitor and transformer manufacturing workers, and others occupationally exposed to PCB's.

Researchers have reported dermatological ailments that include "brown chromodermatosis" of the dorsal joints of the hands and purple-like eruptions of the face and neck (References 32 and 33). However, one study, a health survey of workers in carbonless copy paper factories, 2 years after the use of PCB in such processes had ceased, showed neither dermal effects nor abnormalities of liver function, urine or blood tests. Blood levels of PCB's were reported as 0.01 to 0.02 ppm (Reference 34).

While the harmful effects of occupational exposure to PCB's may be significant in individual situations, they do not have an impact on the exposure that FDA regulates through tolerances for PCB's in foods.

PETITION TO REDUCE TOLERANCES

On November 21, 1975, the Environmental Defense Fund (EDF) and the Natural Resources Defense Council (NRDC) jointly submitted a petition (Docket No. 75P-0346) seeking establishment of a zero tolerance for PCB residues in food, to be achieved by means of a phased reduction to zero of appropriately set temporary tolerances. The petition summarizes the recent studies and new data regarding the occurrence and the toxicology of PCB's and, on the basis of these data, the petitioners draw certain inferences and conclusions regarding the risk to human health presented by PCB's. The Commissioner's comments on the petitioners' conclusions are as follows:

1. The petitioners contend that it should be the express intention of the Commissioner, mandated by his responsibilities under the Federal Food, Drug, and Cosmetic Act, to establish zero tolerances for PCB residues in food. They state that this goal should be achieved by means of phased reduction of temporary tolerances which minimize the risk to the public health and which are "based on a level of risk which has been assessed using appropriate statistical models to account for the potential carcinogenic risk posed by any given residue level." The petitioners recommend use of the Mantel-Bryan or a comparable formula to establish risk probabilities for a carcinogen.

The Commissioner agrees that it is important to reduce human exposure to PCB's and that it is appropriate to reduce the tolerances for PCB's to the lowest practicable level; this has been the policy of FDA from the outset. However, he does not agree that "zero tolerances" are necessary or appropriate at this time. The phrase "zero tolerance" has been applied to the "no detectable residue" requirements of the exception to the Delaney anticancer clause in the act applicable to drugs and feed additives used in food producing animals (section 512(d)(1)(H) (21 U.S.C. 360b (d)(1)(H))). The absolute prohibition of the Delaney clause against the approval of food additives that cause cancer in man or laboratory animals does not apply to an environmental contaminant, such as PCB's, that is unavoidably present in food.

Section 406 of the act, under which the PCB tolerances are established, applies to substances whose presence in food cannot be avoided by good manufacturing practice. A tolerance that would totally prohibit such a substance in the food, when that substance cannot be avoided, would be inappropriate in the absence of a grave danger to health, for it would make all foods containing the substance unlawful per se. When an environmental contaminant is already present in food, FDA's responsibility is to decide what level(s) of the contaminant should cause removal of food from interstate commerce. If a nodetectable-residue requirement were automatically applied to environmental contaminants already present in the food supply, enforcement activities could significantly disrupt the food supply. Removing food containing any detectable residue from the marketplace could lead to enforcement action against food commodities not deemed to present any significant risk to public health.

The Commissioner advises that, while the statistical evaluation formulas for establishing risk probabilities, like the Mantel-Bryan procedure, are valid and useful in some situations, they are not an appropriate tool for determining a regulatory approach for unavoidable contaminants like PCB's.

2. The petitioners make direct comparisons between the 1968 human PCB poisoning episode in Japan and the results of some studies on the effects of low level exposure of nonhuman primates to PCB's. The implication in the petition appears to be that humans might suffer overt symptoms of PCB poisoning at the same levels (as low as 2.5 ppm in the whole diet) as did the monkeys.

As discussed elsewhere in this preamble, the Japanese patients were exposed not only to PCB's but also to the more highly toxic chlorinated dibenzofurans and to other chlorinated substances, some of which are as yet unidentified. The monkey studies represent tests of a commercial preparation of Aroclor 1248, which contains high percentages of trichlorinated and tetrachlorinated biphenyls, two of the more acutely toxic PCB constituents. Further, the commercial Aroclor 1248 also contained chlorinated dibenzofurans. While the effects seen in these monkeys were similar to the findings in the Japanese patients, such effects have not been noted in humans exposed to environmental PCB's in food in this country. Persons whose consumption of PCB's in their diet is substantial relative to the general population, have not exhibited any adverse health effects (Reference 40).

3. In discussing the validity of the tolerable daily intake published in the order establishing the temporary tolerances, the petitioners state that results from the recent nonhuman primate studies indicate that the rat and dog, on which that tolerable daily intake was partially based, are relatively insensitive to many of the toxic effects of PCB's. The petitioners imply that the tolerable daily intake published in 1973 is not valid in light of newly acquired data.

The Commissioner acknowledges that, compared to the monkey, the rat and dog may be relatively insensitive to PCB's; on the other hand, it is not known whether monkeys are unusually sensitive compared to humans. It is not yet possible to make a direct comparison of effects of PCB's from one kind of test animal to another or to humans. However, when judgments regarding allow-

able intakes are made, all available data from all species are considered.

4. The petitioners contend that the existing temporary tolerances are insufficient to protect the public health.

The Commissioner advises that the temporary tolerances were consistent with the toxicological data available when they were established. Although he acknowledges that more recent toxicological data indicate that further reduction of PCB intake is desirable, the Commissioner is not aware of any consumers who have suffered deleterious effects by ingesting PCB's. As anticipated, except for fish, PCB residues in foods have only rarely reached or exceeded the tolerance levels. Current data do not indicate that even consumers of fish have actually experienced deleterious effects from contaminated fish. Thus, the Commissioner cannot agree with the petitioners' contention that the temporary tolerances have been insufficient to protect the public health.

Furthermore, PCB residues in food have declined significantly, so that a specific appraisal of human exposure to PCB's in light of recent data would not support the petitioners' contention. The remaining significant PCB residues occur predominantly in freshwater fish, most of which are sport fish or are in intrastate commerce and are therefore not subject to effective FDA control. The Commissioner believes that the temporary tolerances for PCB's in certain foods have provided significant protection to public health; the relevant question now concerns the additional steps indicated to further protect the public.

5. The petitioners stated that "PCB's continue to contaminate our food" and, further, that "The apparent decrease in the levels of PCB's * * * must be viewed with caution."

The Commissioner acknowledges that available data are incomplete, as are contamination data at any particular time. However, there are specific errors in the petition which could have influenced the conclusion that the decrease in PCB levels is only "apparent." The petition reports fiscal year 1973 levels of PCB's, from the FDA Total Diet Survey as "trace—6.0 ppm" in the food composites. The highest finding in a Total Diet Survey food composite for the period was 0.07 ppm. The 6.0 ppm was found in an individual cereal food, not in a composite. The fiscal year 1974 FDA and USDA data reported in the petition are for partial years only. There were approximately 7,000 samples examined by FDA in fiscal year 1974, which resulted in an overall 3.2 percent occurrence rate for PCB's instead of the 5.4 percent reported in the petition. Similarly, USDA examined over 1,000 samples of poultry with only 2 samples positive for PCB's estimated to be approximately 0.2 ppm and 1.25 ppm (fat basis). Additionally, the decline in PCB occurrence in foods, meats and animal feeds is shown to continue when fiscal year 1975 data are included (Reference 1).

In the discussion from which the petitioners conclude that PCB contamination of food is a continuing problem, the cited examples are of contamination incidents that occurred before FDA established the temporary tolerances in 1973. The current reduction in or absence of such problems, except in the case of fish, indicates that FDA regulatory activities and other events have effectively reduced the PCB problem. The remaining significant problem, as previously noted, is with fish, particularly freshwater fish.

The Commissioner concludes that the petition to establish zero tolerances should not be granted to the extent that the petition seeks to have all food containing any detectable level of PCB's removed from commerce. However, the Commissioner does conclude that it is desirable to reduce the tolerances for PCB's at this time as far as is reasonably possible.

TEMPORARY TOLERANCES

Section 406 of the act states:

> Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for the purpose of the application of clause (2)(A) of section 402(a); but when such substance is so required or cannot be so avoided, the Secretary shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health * * *. In determining the quantity of such added substance to be tolerated in or on different articles of food the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

When the Commissioner established the temporary tolerances for PCB's, it was expected that PCB prevalence in the environment would soon decline and that, as a result, the levels of PCB's in foods and feeds would also decline. He stated that the tolerances would be reevaluated and reduced accordingly. As discussed above, except for fish, the levels of PCB's in the foods for which there are tolerances are now lower than they were when the temporary tolerances were established Also, recent data regarding toxic effects of PCB's give rise to added concern regarding human exposure to PCB's. Therefore, the Commissioner has reviewed each temporary tolerance and proposes to reduce certain of them.

In addition to the factors specifically required by section 406 of the act to be considered in setting tolerances for unavoidable poisonous or deleterious substance in foods, the Commissioner must, as a practical matter, also consider the limits of the analytical methodology available for enforcement of such tolerances.

The current temporary tolerances for finished animal feed, feed components of animal origin, and infant and junior foods are already at the lowest level at which PCB's can be reliably determined in each of those products for enforcement purposes. It is therefore not possible at this time to lower these tolerances.

As little as 1.5 ppm PCB can be reliably determined in the fat of milk and manufactured dairy products (Reference 35), and the Commissioner proposes to lower the temporary tolerances for those foods from the current 2.5 ppm to 1.5 ppm (fat basis).

The Commissioner has considered the current temporary tolerance of 5 ppm on a fat basis for PCB residues in poultry. For the reasons previously stated, he has concluded that it is desirable to also further reduce the temporary tolerance for PCB's in this class of food to the greatest extent possible. Accordingly, the Commissioner considered proposing a tolerance of 1.5 ppm in the fat of poultry, the lowest level at which PCB can be reliably determined in these foods for enforcement purposes (Reference 35). However, under the provisions of section 406 of the act, the Commissioner also considered the extent to which the contaminant is unavoidable.

The current tolerance for PCB's in polutry feed, the primary source of PCB's to which chickens are exposed, is established at 0.2 ppm—the level of detection. Data indicate that continuous feeding of poultry with finished feed contaminated with PCB, results in PCB residues in the dissectible poultry fat at approximately 10 times the levels in the feed (References 36 and 37). The biomagnification factor of 10 is only approximate and varies from flock to flock. While it is unlikely that any flock would be consistently consuming feed containing PCB's at the tolerance of 0.2 ppm and allowing for othre sources by which poultry may be exposed to PCB's, such as water and the environment, a tolerance level for poultry established at the level of detection (1.5 ppm on a fat basis) could be exceeded. The Commissioner found this tolerance unacceptable because it would be inconsistent to set tolerances on two products at levels such that the use of one product that complies with the applicable tolerance causes the second product to be illegal, unless other overriding considerations justify such a situation. Because the biomagnification factor of 10 is only approximate, and may vary from one lot of feed to another, from one flock to another, or from one bird to another, the Commissioner determined that a tolerance of 3 ppm (fat basis) is the lowest level that will make allowances for PCB residues resulting from feed contaminated at levels not exceeding the current feed tolerance. Accordingly, he considered whether this level would provide an acceptable margin of safety to the consumer.

Because the frequency of PCB residue occurrence in feeds is low, the likelihood of residues in poultry reaching the 3 ppm (fat basis) level is very small. Moreover, data regarding PCB residues in poultry confirm this and show that PCB contamination of poultry is very sporadic and infrequent. As such, this food is not a significant source of dietary PCB's. A tolerance of 3 ppm (fat basis) will continue to provide this assurance, while also providing adequate protection for the consumer. Therefore, the Commissioner proposes to reduce the temporary tolerance for poultry from 5 ppm to 3

ppm (fat basis). As stated previously, the finished feed tolerance of 0.2 ppm cannot be reduced at this time because the analytical methodology necessary to enforce a lower tolerance is not available. The Commissioner advises that when such methodology becomes available so that the 0.2 ppm feed tolerance can be reduced, the tolerance for PCB residues in poultry will also be reevaluated.

The proposed reduction in the temporary tolerance for PCB's in eggs is from 0.5 ppm to 0.3 ppm, the practical analytical limit for reliable determination of PCB's in eggs. Although eggs would be expected to contain PCB residues if the chickens were consistently fed contaminated feed, the residues in eggs resulting from 0.2 ppm PCB in the feed are not expected to exceed a 0.3 ppm tolerance. As with poultry, eggs are not expected to contribute measurably to dietary PCB's, because the occurence of PCB's in feed is sporadic rather than consistent.

The temporary tolerance for PCB's in paper food-packaging material is currently stayed pending completion of an evidentiary hearing. When the hearing is completed or the issues resolved, the Commissioner will issue in the FEDERAL REGISTER a notice regarding the resolution and removal of the stay of the tolerance. At that time he will also propose to reduce the tolerance for PCB residues in paper food-packaging material in accordance with the reduction in the PCB levels which has occurred since 1973.

PCB'S IN FISH

Although unavoidable PCB residues no longer occur regularly in the previously mentioned classes of foods, PCB contamination of the aquatic environment is sufficiently widespread that fish, mainly freshwater fish, in various locations of the United States contain significant amounts of the contaminant.

This conclusion is based on an extensive review of data FDA has compiled (Reference 39) from various sources including its own surveillance of fishery products taken from commercial markets and the testing programs conducted by the National Marine Fisheries Service by the U.S. Fish and Wildlife Service (PCB residue data from this source are not fully relevant because analyses were performed on whole fish, whereas the temporary tolerance is expressed in terms of the edible portion of fish), by the Michigan Department of Agriculture relative to Great Lakes fish, and by the New York Department of Environmental Conservation relative to Hudson River fish. These data show that with the exception of a few anadromous species (fish, such as salmon, that move from the ocean upriver to spawn), all ocean fish contain an average of considerably less than 1 ppm PCB. The average PCB levels for most species were less than 0.5 ppm for whole fish and the levels in edible portions (without heads, tails, scales, entrails) were lower still, the majority having an average of a few tenths of 1 ppm. The highest level of PCB's found in any ocean fish sample other than anadromous species was 1.8 ppm. Anadromous species had relatively high PCB levels, the highest in whole fish being 17 ppm (striped bass caught in the New Jersey area). However, the average levels in these species were less than 3 ppm in whole fish and less than 0.5 ppm in edible portions. Bottom-feeding and high-fat-containing fish tend to have higher PCB levels than other varieties (Reference 39).

A large number of freshwater fish, covering numerous species obtained from over 100 locations nationwide, have been analyzed for PBC's. Contamination appears to be geographically widespread, although in many species highest concentrations occur in the Great Lakes and in major rivers in the East and the Mississippi basin. Some Great Lakes' species, mainly coho salmon and lake trout, show PCB levels ranging as high as 30 ppm, while Hudson River species range as high as 178 ppm. Predator fish, such as walleye and bass, exhibit the highest PCB levels. Eels also contain high levels (Reference 39).

Because it is desirable to reduce exposure to PCB's in fish to the greatest extent possible, the Commissioner considered proposing a tolerance of 1 ppm, the lowest level which PCB's can be reliably determined in these foods for enforcement purposes (Reference 35). However, under the provisions of section 406 of the act, the Commissioner is required, in establishing a tolerance, to consider the extent to which the contaminant is unavoidable.

The Commissioner has determined that establishment of a tolerance at 1 ppm for fish sold in interstate commerce would have a substantially adverse impact on this country's commercial freshwater fishing industry and, to a lesser extent, the commercial marketing of saltwater species. He estimates that the loss to fresh and marine fisheries as a result of enforcing this legal limit would be a maximum total landed value of $18 million or $127 million after processing, (cleaning, canning, distributing, retailing etc.) (Reference 39). The Commissioner points out that because most commercial fishing is done by fairly small operators who may specialize in one or two species, the elimination of any species, even though it may account for only a fraction of the total catch, could be disastrous for them.

Accordingly, the Commissioner has examined the economic impact of proposing a tolerance for PCB's in fish at 2 ppm and has considered whether this level would provide an acceptable margin of safety to the consumer. For marine or saltwater fish, lowering the current temporary tolerance to 2 ppm would result in a loss of $1 million landed value, which would increase about seven times after processing. Thus, the total losses at a 2 ppm tolerance would be about $7 million (Reference 39). For freshwater fish the loss at the 2 ppm level would be more severe: about $7 million landed value or $49 million processed value.

The Commissioner notes that the economic loss for marine fish would be about the same at the 3 ppm level, but the dollar loss for freshwater fish would be about 40 percent of that estimated for a 2 ppm tolerance. He further notes that according to the FDA economic assessment, the current temporary tolerance of 5 ppm may be resulting in an $8 million maximum total loss for freshwater fish (Reference 39). The commercial impact of a 2 ppm level would be much less than that of 1ppm, and limits above 2 ppm would further decrease the potential commercial impact even more.

The Commissioner has evaluated the adequacy of a 2 ppm tolerance for fish from the standpoint of the protection of public health, while also assessing whether any higher limits could be safely tolerated. An average per capita consumption level for fish and shellfish in this country is reported to be approximately 19 grams per day. If all fish contained a maximum permitted PCB residue of 2 ppm, average daily intake of PCB's from commercial fish alone would be about 38 micrograms. The FDA Total Diet Study data show that average PCB intake from all sources in an average adult diet is about 8 micrograms per day, most of which is contributed by the fish in the meat-poultry-fish composite. Totaling these two figures (even though this counts both a theoretical maximum fish contribution and an average fish contribution) gives a maximum theoretical daily intake of about 45 micrograms PCB, or an annual intake of about 16.8 milligrams. This low level of intake is less than one-fiftieth of the average cumulative dose (1,000 milligrams) of PCB in rice oil which caused overt toxic effects in the Japanese poisoning episode. However, because of the presence of the previously discussed toxic impurities other than PCB's in the rice oil, it is likely that amounts of pure PCB's greater than those reported in this episode would be required to produce the reported toxic effects.

The amount of PCB's in environmental samples, such as fish, that is required to produce overt toxic effects is not known. A recently completed study has tried to assess some of the consequences of human exposure to PCB's as a result of high consumption of fish from contaminated areas. Data show that a group of Michigan sports fishermen consumed an average of 24 to 25 pounds of fish per person per year, with the highest individual exposure for a 2-year period reported as 180 pounds per year. In cooked fish, PCB residues ranged from 0.36 to 5.38 ppm. Although there was a wide range of PCB levels in blood for each quantity of fish consumed, there was a highly significant correlation between the reported quantity of Lake Michigan fish consumed and the concentration of PCB in the blood of study participants; the higher reported fish consumption was associated with higher PCB blood levels. The blood values ranged from a low of 0.007 ppm in the control group (fish consumption less than 6 pounds per year) to a high of 0.366 ppm in the exposed group (average fish consumption 24 to 25 pounds per year) (Reference 40).

These investigators calculated that the amount of PCB's ingested by the exposed group could average 46.5 milligrams per year and ranged from 14.17 to 114.31 milligrams per year. No systematic adverse health effects could be demonstrated in the exposed group when compared to controls (Reference 40).

The 46 micrograms per day (16.8 milligrams per year) intake, given as an example previously, is based on a hypothetical 2 ppm PCB content in all fish, although this level actually occurs only sporadically. About 97 percent of the commercial fish consumed in this country are ocean fish, most of which contain no detectable PCB's, and average considerably less than 1 ppm PCB. This results in an average PCB intake from fish of substantially less than 19 micrograms per day, providing an additional margin of safety.

Actual PCB intake can be considered to be even lower in light of a study of PCB levels in cooked fish. Most of the PCB occurrence data are for raw fish and comparisons of PCB levels in raw versus cooked fish indicate that actual human exposure to PCB's from fish consumption is less than might be expected from the raw fish data. This is not unexpected, because preparation (trimming away fatty tissue) and cooking have been shown to decrease the concentration of PCB's. For example, the PCB level in cooked lake trout ranged from 1.03 ppm to 4.67 ppm; in cooked coho salmon from 0.48 ppm to 5.38 ppm; and in other cooked fish from 0.36 ppm to 2.06 ppm: These levels are decidedly lower than the mean levels of 22.91 ppm and 10.45 ppm reported in raw lake trout and coho salmon, respectively, for 1974 (Reference 40).

Thus, the Commissioner concludes that a tolerance of 2 ppm will provide adequate protection for all but those population groups that consume above average amounts of freshwater fish from contaminated waters. Moreover, a 2 ppm tolerance would eliminate a relatively minor percentage of marine fish and less than 25 percent of freshwater fish from commercial markets. On the other hand, although a tolerance higher than 2 ppm would be more economically desirable, such a tolerance would, based on the above analysis add to the risk for the so-called average consumer and those population groups who regularly consume freshwater fish. Therefore, in keeping with the agency objective to minimize dietary exposures to PCB's, the Commissioner concludes that a 2 ppm temporary tolerance for PCB residues in fish represents a proper balance of the safety and economic criteria of section 406 of the act.

The Commissioner does not consider it appropriate to change the temporary status of the tolerances for PCB's. The scientific community is actively studying PCB contamination and its effects on humans, and it is reasonable to expect that new data may justify a further downward revision of the tolerances; FDA will monitor these developments so that the Commissioner can take further action when it is appropriate.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

REFERENCES

A copy of each reference document is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between the hours of 9 a.m. and 4 p.m., Monday through Friday.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 701(e), 52 Stat. 1046 as amended, 1049, 70 Stat. 919 as amended (21 U.S.C. 342(a), 346, 371(e))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 109 (formerly Part 122, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended by amending § 109.30 to read as follows:

§ 109.30 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) * * *

(1) 1.5 parts per million in milk (fat basis).

(2) 1.5 parts per million in manufactured dairy products (fat basis).

(3) 3 parts per million in poultry (fat basis).

(4) 0.3 part per million in eggs.

(5) 0.2 part per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements, and feed premixes).

(6) 2 parts per million in animal feed components of animal origin, including fishmeal and other byproducts of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food-producing animals.

(7) 2 parts per million in fish and shellfish (edible portion). The edible portion of fish excludes head, scales, viscera, and inedible bones.

(8) 0.2 part per million in infant and junior foods.

(9) 10 parts per million in paper food-packaging material intended for or used with human food, finished animal feed and any components intended for animal feeds. The tolerance shall not apply to paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

NOTE.—At 38 FR 22794, Aug. 24, 1973, the following appeared concerning § 109.30(a)(9) (formerly 122.10(a)(9)):

"* * * § 109.30(a)(9) is hereby stayed pending full review of the objections and requests for hearing."

In the interim, as stated in the final order (38 FR 18098), the Food and Drug Administration will enforce the temporary tolerance level established by § 109.30(a)(9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973 containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the act.

Interested persons may, on or before May 31, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadriplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 25, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-9432 Filed 3-25-77;11:49 am]

[21 CFR Part 1020]

[Docket No. 77N-0061]

DIAGNOSTIC X-RAY EQUIPMENT PERFORMANCE STANDARD

Intent To Propose Rules

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice of Intent.

SUMMARY: The agency is considering amending the Federal performance standard for diagnostic x-ray systems with regard to the x-ray field limitation and alignment requirements for general-purpose radiographic and fluoroscopic x-ray equipment. The amendments would clarify the requirements of the standard concerning positive beam limitation for radiographic x-ray systems, field limitation and alignment for spot-film devices, and field limitation for fluoroscopic x-ray systems. In addition, the agency is considering permitting the installation of certified beam-limiting devices that do not provide positive beam limitation on uncertified, stationary, general-purpose radiographic systems manufactured prior to the effective date of the standard if with such installation adequate radiation protection can be assured by alternate means. Data, views, and information are requested before proposing the amendments.

DATES: Comments concerning the amendments are requested by April 22, 1977.

ADDRESSES: Individuals or organizations wishing to receive copies of draft amendments or related documents distributed for review during the development of these amendments may have their names placed on the mailing list by writing to: Division of Compliance (HFX-440), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Comments concerning the proposed amendments should be sent (preferably in quadruplicate) to: Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Thomas B. Shope, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3426).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration, under authority conferred by the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602 (42 U.S.C. 263b et seq.)), administers an electronic product radiation control program to protect the public health and safety. This authority provides for the development and administration of radiation safety performance standards for electronic products. A radiation safety performance standard for diagnostic x-ray systems and their major components was established in the FEDERAL REGISTER of August 15, 1972 (37 FR 16461) and became effective on August 1, 1974. (The extension of effective date was published in the FEDERAL REGISTER of June 12, 1973 (38 FR 15444)).

The Commissioner of Food and Drugs is considering amending Subchapter J of Title 21 of the Code of Federal Regulations by changing the performance standard for diagnostic x-ray equipment (21 CFR 1020.30 et seq). This notice of intent to propose rules is being issued to conform with the FDA policy of early public disclosure of rule making activities and to solicit comments from interested persons concerning the subject matter of the proposed amendments.

Since the promulgation of the performance standard for diagnostic x-ray systems, numerous questions have been received from manufacturers and others concerning the manner in which the current requirements of the standard concerning positive beam limitation are to be interpreted. As a result of these inquiries and the interpretations given by the agency in response to them, it may be desirable to amend § 1020.31(e)(2)

(21 CFR 1020.31(e)(2)) to define more clearly the performance required of radiographic systems equipped with positive beam-limiting devices.

The Commissioner is also considering amending § 1020.31(e)(2)(ii) to only require that positive beam-limiting devices prevent the x-ray field from exceeding the image receptor size by specified tolerances. The current standard requires that positive beam-limiting devices prevent the x-ray field from being larger or smaller than the dimensions of the image receptor to within specified tolerances. The change in this requirement will permit more flexibility in the use of these systems while still protecting the public from unnecessary radiation exposure by ensuring that the x-ray field size is limited to the image receptor size.

Amendments are also being developed that would clarify the requirements concerning the capability to bypass or override the positive beam limitation feature. Amendments to §§ 1020.31(g) and 1020.32(b) would also permit the provision of an override capability on spot-film and automatic fluoroscopic collimation systems to permit their use as manual collimation systems in case of system failure.

Also under consideration is a change in the applicability of § 1020.31(e)(2) to permit, under certain circumstances, the installation of certified beam-limiting devices meeting the requirements of § 1020.31(d) on uncertified, stationary, general-purpose radiographic systems manufactured prior to the effective date of the standard. Such a change would allow the installation of a less expensive beam-limiting device in lieu of a positive beam limitation system when adequate radiation protection can be assured by alternate means.

Interested persons are invited to participate in the development of the proposed amendments by submitting written data, views, or arguments concerning the subject matter of the amendments or related topics suggested for inclusion in the amendments. Comments concerning the proposed amendments should be sent (preferably in quadruplicate) to the Hearing Clerk, Food and Drug Administration, at the address given above. Comments submitted before April 22, 1977, will be considered by the Commissioner in formulating the proposed amendments and will be reviewed, prior to publication in the FEDERAL REGISTER as notices of proposed rule making, at the next meeting of the Technical Electronic Product Radiation Safety Standards Committee scheduled for May 5 and 6, 1977. The Committee, a permanent statutory advisory committee to the Secretary, Department of Health, Education, and Welfare, must be consulted prior to establishment of standards under the Radiation Control for Health and Safety Act of 1968. Comments received after April 22, 1977, may be considered, depending on the stage of development of the amendments at the time such comments are received.

Information submitted in response to this advance notice will be available for public inspection in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the authority of provisions of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-9872 Filed 3-31-77;8:45 am]

[21 CFR Part 1040]

[Docket No. 77N-0074]

LASER PRODUCTS

Intent To Amend Performance Standard

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice of Intent.

SUMMARY: The Commissioner of Food and Drugs is considering amending the laser products performance standard to make the definition of "human access" less restrictive, to specify a solid angle for measuring the radiant power or radiant energy and measuring scanned laser radiation, and to specify a minimum distance for the radiance measurement. Additionally, there may be a need to provide for some products amendments that take into account the probability of viewing the laser radiation or the physical limitations of the eye in following a rapidly moving laser source. A change may also be proposed to allow manufacturers to use alternate wording in some of the warning labels.

DATE: Comments and data by April 22, 1977.

ADDRESSES: Written comments to the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. For copies of draft amendments distributed for review, Division of Compliance, HFX-440, Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Walter C. Baugh, Jr., Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3426).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration published the performance standard for laser products in Part 1040 (21 CFR Part 1040) as a final rule in the FEDERAL REGISTER of July 31, 1975 (40 FR 32252). As discussed in the preamble to the final rule, FDA had received comments contending that biological evidence existed to support a lower chronic exposure hazard potential for Helium-Neon laser products, and the Commissioner concluded that the data submitted were insufficient to indicate a need for changing the Class I limits for that wavelength. However, as part of the continuous evaluation of new research data and its significance for the current provisions of the standard, FDA held a public meeting on June 13, 1976 (The meeting was announced in the FEDERAL REGISTER of June 1, 1976 (41 FR 22117).) This meeting provided an opportunity for knowledgeable experts to present and discuss available information on the biological effects and hazard potential of laser emissions. The analysis of the reports presented in the meeting indicated that the data on ultraviolet radiation damage and on pulsed laser radiation supported the existing hazard classification. The retinal lesion data presented confirmed the complexity of the wavelength dependence, but did not provide sufficient information for evaluation of hazard levels to the eye. The data purporting to relate a safety threshold to the value at which 50 percent of exposures produce damage is not acceptable from the viewpoint of protecting the public health. The Commissioner considers the visual function, rather than the retinal lesion alone, the critical end point for the hazard evaluation of the eye. The Commissioner believes that any modification of the hazard classification of the eye must be based on visual function data. He also believes that the experiments on radiation damage must be designed to determine the lowest value at which damage occurs, not the value at which 50 percent of exposures produce damage. Therefore, no changes in the existing levels for classification in the standard appear warranted at this time.

However, the experience of FDA in the administration of the laser standard since it became effective on August 2, 1976 indicates that some provisions of the standard may need to be amended. The modifications under consideration would further clarify the standard without affecting the hazard classification scheme and would reduce, in most cases, the burden on affected manufacturers without compromising the public health. More details concerning the rationale for the proposed amendments are discussed below.

In the original definition of "human access" in § 1040.10(b)(12), reference to a 10-centimeter (cm) line was included to account for the possible insertion into a laser product of flexible optical fibers. The likelihood that such fiber optics would reach points not accessible by a 100-cm straight line may not be sufficiently great to warrant the added design difficulty posed by this requirement; the Commissioner is considering whether the 10-cm line reference should be deleted or modified.

The Commissioner is considering the need for several compliance test changes in § 1040.10(e). The maximum detection of radiation requirement in § 1040.10(e)(2)(iv) implies that, for a moving source, either the stationary measurement instrument should constantly

track the source or an equivalent measurement should be obtained. Because the human eye cannot realistically follow a source moving periodically at a high frequency, it may be more reasonable to prescribe measurement criteria that take into account the frequency of source motion.

The 80 millimeter (mm) and 7 mm aperture stops as required by § 1040.10 (e) (3) (i) and (4) for measuring the radiant power (or radiant energy) of stationary and scanned laser radiation, respectively, could be interpreted to demand a 2π acceptance angle for measurement parameters to maximize the detected radiation.

The Commissioner is considering amending this provision because such an interpretation may not be appropriate for multiple and extended sources that cannot be focused through collecting optics to a single point on the retina.

Section 1040.10(e)(3)(iii) requires use of a circular aperture stop having a 7 mm diameter and an effective solid angle of acceptance of 10^{-4} steradian to measure radiance or integrated radiance. Because a source may be small or not have a uniform spatial distribution, the measured radiance could vary depending upon the distance of the detector from the source. In such cases the radiance measurement will not be a well-defined quantity unless a minimum distance for such measurement is specified.

The Commissioner is also considering the need for labeling changes in § 1040.10(g). Currently, § 1040.10(g)(10) permits alternate means of providing required labels, upon approval by the Director of the Bureau of Radiological Health. However, it does not provide similar flexibility in the wording of the warning statement required on such labels. The specified warning may preclude a more appropriate description of the radiation hazard for certain laser products. Thus, an amendment is being considered that would provide a means for the manufacturer to use alternate wording.

An amendment may also be proposed to relax certain requirements for some laser products whose emissions are not likely to be continuously viewed, provided the need for such action can be clearly established. For example, the labeling or other safety requirements for Class II laser products might be determined on the basis of integration times shorter than those established for classification.

Interested persons are invited to participate in these efforts to improve the laser product performance standard by submitting their written data, views, or arguments concerning such amendments and any associated potential environmental and economic impact.

Particular information would be appreciated concerning the following:

1. The advantages and/or disadvantages of incorporating a solid angle of acceptance for measuring the radiant power (or radiant energy) of stationary and scanned laser radiation, and the appropriate value of such an angle, with supporting documentation or arguments;

2. Any minimum distance for radiance measurement that would uniquely define the measured quantity and also provide adequate protection for the public health and safety;

3. The appropriate means to identify the hazards of a moving source in terms of its periodic frequency; and

4. The practicality, implications, and possible impact of providing alternate means for the wording of the warning labels.

Written comments or data should be sent (preferably in quadrupliate) to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and should be identified by referring to the docket number appearing in the heading of this document. Comments submitted before April 22, 1977, will be reviewed at the next meeting of the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC), scheduled for May 5-6, 1977. This committee, a statutory advisory committee to the Secretary of Health, Education, and Welfare, must be consulted prior to the establishment of standards under the Radiation Control for Health and Safety Act of 1968. All comments received will be considered to the fullest possible extent in formulating the proposed amendment(s). Information submitted in response to this notice will be available for public inspection in the office of the Hearing Clerk.

This notice is issued under the authority of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and the authority delegated to the Commissioner (21 CFR 5.1).

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 77-9873 Filed 3-31-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 685-4]

DISTRICT OF COLUMBIA

Proposed Revision to State Implementation Plan

On December 6, 1973 (38 FR 33702), the Administrator of the Environmental Protection Agency promulgated a transportation control plan for the District of Columbia portion of the National Capital Interstate Air Quality Control Region. This plan, which to the maximum extent practicable reflected the control strategies preferred by the District of Columbia, included measures such as mass transit controls, emission inspection programs and additional stationary source controls.

On March 22, 1974, the District of Columbia submitted to the EPA Regional Administrator amendments to the District's Air Quality Control Regulations. The District requested that the amendments be reviewed and processed as revisions to its State Implementation Plan. The revisions would replace or change portions of the federally promulgated Transportation Control Plan for the District of Columbia. The submission consisted of regulations governing storage of petroleum products (Section 8-2:707(a)), control of volatile organic compounds from loading gasoline tank trucks, trailers, and railroad cars (Section 8-2:707(b)), control of vapors from gasoline transfer (Section 8-2:707(c)), control of evaporative losses from filling of vehicular tanks (Section 8-2:707(d)) control of dry cleaning solvent evaporation (Section 8-2:707(e)), control of organic solvents (Section 8-2:707(f)), and definitions of terms used in these regulations (Section 8-2:702).

On August 29, 1974 (39 FR 31532) the Regional Administrator acknowledged receipt of these amendments and proposed certain ones as revisions to the District of Columbia's SIP. However, because the District's regulation for the control of organic solvents, Section 8-2:707(f), raised questions about the feasibility of enforcing the required emission limitation when applied to architectural coatings, the Administrator did not propose the amendment dealing with control of organic solvents, Section 8-2:707(f), as a revision to the District of Columbia's Implementation Plan. Since then, the District has submitted further documentation which explains that the regulation does not apply to architectural coatings, thereby alleviating the Administrator's earlier concerns regarding the District's organic solvent regulation.

The amendment consists of the following requirements: (1) No person shall discharge into the atmosphere more than 15 pounds of photochemically reactive solvents in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent.

(2) No person shall discharge into the atmosphere more than 40 pounds of nonphotochemically reactive solvents in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent. Dry cleaning operations are exempt from the requirements of this paragraph.

On May 13, 1974, the District provided certification to the Regional Administrator that after publishing adequate public notice, a hearing on the proposed amendment was held on September 24, 1973, as required by 40 CFR 41.4.

This notice is to announce receipt of this amendment by the Regional Administrator, to propose the amendment as a revision to the District of Columbia's SIP and to provide for a 30 day public comment period. All comments received on or before May 2, 1977 will be considered.

Because the Agency is revising its list of photochemically reactive and non-

reactive hydrocarbon compounds, conflict may result between the District's existing definitions and the Agency's final list. Also, because the regulation pertains to the District of Columbia, it necessarily impacts on the National Capitol Interstate AQCR which includes portions of Maryland and Virginia. This raises a question of enforcement feasibility within one AQCR and may have multi-regional implications. EPA specifically requests comments on these two points.

The Administrator's decision to approve or disapprove this proposed plan revision will be based on whether the amendment meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Copies of the proposed revision, including related supplemental information provided by the District are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Philadelphia, Pennsylvania 19106, Attn: Mr. Harold Frankford.

Department of Environmental Services, Bureau of Air and Water Quality Control, 614 H Street, N.W., Washington, D.C. 20001, Attn: Mr. John Brink.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments should be addressed to:

Mr. Howard Heim, Chief, Air Programs Branch, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Tenth Floor, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: AH 003aDC.

(Authority: 42 U.S.C. 1857(c)-5.)

Dated March 13, 1977.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc.77-9685 Filed 3-31-77; 8:45 am]

[40 CFR Part 52]

[FRL 707-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Approval of Variances to Emission Limiting Regulations for Louisiana

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51 require each State to submit plans which provide for the attainment and maintenance of National Ambient Air Quality Standards throughout the State. On May 31, 1972 (37 FR 10869), the EPA approved the Louisiana Implementation Plan, including that portion containing compliance schedules. Final dates by which air pollution sources were to be in compliance with the applicable emission limiting regulations of Louisiana's plan were prescribed and met the requirements of § 51.15.

On April 22, 1976, Louisiana submitted to the Regional Administrator individual source compliance schedules as proposed revisions to the approved plan pursuant to § 51.6. These schedules were established by the State as variances to regulations already in effect, and were adopted in conformity with schedules set forth in EPA enforcement orders for each source. Each schedule was adopted by the State after public notice and hearing in accordance with the procedural requirements of §§ 51.14 and 51.6 and the substantive requirements of § 51.15. Those compliance schedules extending over a period of more than one year contain legally enforceable increments of progress, and these increment dates are a part of the schedules described in this proposal.

Each compliance schedule establishes a new date by which the individual source must comply with the applicable emission limiting regulation, referred to as the "Final Compliance Date". (Even though the final compliance date for some of the schedules has now passed, the Regional Administrator proposes their approval as a matter of record.)

The compliance schedules which the Regional Administrator proposes to approve are described in this proposal only by name of source, location, State emission limiting regulation involved and date schedule adopted by State, and final compliance date. Copies of the full schedules and the detailed analysis which indicates that attainment and maintenance of the NAAQS will not be jeopardized are available for inspection at the Air Program Branch, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, and at the Environmental Protection Agency, Public Information Reference Unit, Room 2932, EPA Library, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Air Program Branch, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270. All comments will be considered and will be available for inspection during normal business hours at the Region VI office.

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1875c-5.

Dated: March 16, 1977.

JOHN C. WHITE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding a new subparagraph (6), reading as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(6) Variances to Emission Limiting Regulations adopted by the Louisiana Air Control Commission on October 29, 1975, December 12, 1975, and April 6, 1976, and submitted by the Governor on April 22, 1976.

2. Section § 52.980 is added as follows:

§ 52.980 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State and have immediately effective dates.

Source location	Regulation involved	Date schedule adopted	Final compliance date
WEST MONROE			
Olinkraft:			
(a) Wood waste boiler	18.2, 23.4.1 (4)	Apr. 6, 1976	May 31, 1976
(b) Recovery furnace No. 3	18.2, 23.4.1 (1)	do	Mar. 20, 1977
(c) Recovery furnace No. 1	23.4.1 (1)	do	Mar. 21, 1977
(d) Recovery furnace No. 2	23.4.1 (1)	do	Do.
(e) Smelt tank vent No. 1	23.4.1 (2)	do	Do.
(f) Smelt tank vent No. 2	23.4.1 (2)	do	Do.
BOGALUSA			
Crown-Zellerbach:			
(a) Wood waste boiler 10-C	18.2, 21.3	Oct. 29, 1975	July 1, 1976
(b) Recovery furnace No. 19	18.2, 23.4.1 (1)	do	Oct. 31, 1975
(c) Smelt tank vent No. 19	23.4.1 (2)	do	Sept. 29, 1975
(d) Lime kiln	23.4.1 (3)	do	Sept. 15, 1975
BASTROP			
International Paper (Bastrop mill):			
(a) Wood waste boiler	21.3	Dec. 12, 1975	May 30, 1977
International Paper (Louisiana mill):			
(a) Recovery furnace No. 4	18.2, 23.4.1 (1)	Dec. 12, 1975	Jan. 31, 1978
(b) Recovery furnace No. 5	18.2, 23.4.1 (1)	do	July 15, 1976
(c) Wood waste boiler	18.2, 23.4.1 (1)	do	Dec. 31, 1977

Source location	Regulation involved	Date schedule adopted	Final compliance date
SPRINGHILL			
International Paper (Springhill mill):			
(a) No. 2 power boiler	18.2	do	Feb. 15, 1976
(b) No. 4 wood waste boiler	18.2, 23.4.1 (4)	do	Oct. 30, 1976
(c) No. 1 wood waste boiler	23.4.1 (4)	do	Do.
(d) 6 power boilers	21.3	do	Dec. 31, 1976
(e) Recovery furnace No. 1	23.4.1 (1)	do	Feb. 15, 1976
(f) Recovery furnace No. 2	23.4.1 (1)	do	Do.
(g) Smelt tank vent No. 1	23.4.1 (2)	do	Do.
(h) Smelt tank vent No. 2	23.4.1 (2)	do	Do.
(i) No. 1 lime kiln	23.4.1 (3)	do	Jan. 15, 1977
(j) No. 3 lime kiln	23.4.1 (3)	do	Do.
(k) Recovery furnace No. 3	23.4.1 (1)	do	Dec. 22, 1975
(l) Smelt tank vent No. 3	23.4.1 (2)	do	Do.

[FR Doc.77-9686 Filed 3-31-77;8:45 am]

[40 CFR Part 52]

[FRL 707-7]

COMMONWEALTH OF VIRGINIA

Proposed Revision to State Implementation Plan

On May 10, 1976, the Commonwealth of Virginia submitted to the Regional Administrator a variance from § 4.707.00 of the Regulations of the State Air Pollution Control Board. The State requested that the variance be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP) for the attainment and maintenance of air quality standards.

The variance from § 4.707.00 would allow the Alexandria City Incinerator to operate in excess of the present particulate emission standard for incinerators, .14 grains per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of auxiliary fuel). This variance would allow operation of the Alexandria City incinerator in excess of this standard from January 1, 1976 to December 31, 1979. The incinerator would not be permitted to operate beyond the latter date.

The Commonwealth of Virginia has justified this request with the following:

(1) The operation of the Alexandria City Incinerator at present emission levels will not preclude the City from attaining and maintaining the national ambient air quality standards for suspended particulates.

(2) There is no evidence that continued operation of the Alexandria City Incinerator for the period of the variance would endanger the health of the residents of the City of Alexandria or environs.

(3) The expenditures to install new control equipment to bring the incinerator into compliance is not justified, as the incinerator is to be phased out by 1980. The City of Alexandria has proposed to replace the incineration process with a refuse derived fuel (RDF) program. Under the RDF program, trash will be burned in adjacent power plants in combination with regular fuel.

(4) The installation of new control equipment to bring the incinerator into compliance is not justified as the improvement in air quality from the use of additional control equipment would be negligible.

On December 5, 1975 Virginia submitted an analysis of the incinerator's impact on air quality. Particulate emissions from the incinerator and from other significant point sources in the area were modeled using Gaussian dispersion techniques. The relative impacts of these sources were estimated at each of the monitoring sites in the area. Also included were information on air quality trends at each of these sites, and results from stack tests performed on the incinerator.

The Commonwealth of Virginia submitted proof that a public hearing, with adequate public notice, was held on June 5, 1975, to consider public comment on the proposed revision, pursuant to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

On September 3, 1976 (41 FR 37343) the Regional Administrator acknowledged receipt of the variance request, proposed it as a revision to the Virginia SIP, and provided for a 30 day public comment period ending October 4, 1976. During this public comment period, no comments were received.

The variance order, issued by the Commonwealth of Virginia on December 2, 1975, specified the conditions under which the variance was to be granted, including a requirement that the City of Alexandria submit a "plan of action" until the incinerator was to be phased out. This plan, in the form of a proposed compliance schedule, was submitted to Virginia by the City of Alexandria on September 25, 1975. Virginia extended the variance until December 31, 1979. The conditions under which this order was issued required that (1) the incinerator be operated at specified times, (2) the compliance schedule submitted on September 25, 1975 be followed and, (3) a reporting mechanism be included to indicate progress on the compliance schedule.

The compliance schedule submitted on September 25, 1975 has since been modified by a Consent Decree (dated April 6, 1976) agreed to by Friends of the Earth and the City of Alexandria, and adopted by the United States District Court for the Eastern District of Virginia. The modifications specify additional compliance activities in the form of purchase of goods and services which will encourage recycling activities. This compliance schedule, originally stated in a September 25, 1975 letter, and since modified by the Consent Decree, is to be incorporated as a condition to the approval of the variance by the Administrator. The schedule requires the following expenditures for the incinerator, which is to be phased out by December 31, 1979. The items to be purchased for the 1977 fiscal year are one refuse compactor ($80,000), two tractors and two trailers ($110,000), and two recycling containers and shelters ($10,000), and a promotional campaign for a recycling program ($5,000). For the 1978 fiscal year expenditures are to include the following: two additional tractors and trailers ($110,000), and additional promotion for a recycling program ($5,000). For the final year of the compliance program, 1979, the items to be purchased include: two more tractors and trailers ($110,000) and further promotion of a recycling program ($5,000).

The Administrator's approval of the variance would be further conditioned by the below-listed additional commitments by the City of Alexandria to the Environmental Protection Agency. These additional commitments were submitted to EPA from the City Manager of Alexandria in latters dated March 2, 1976 and April 19, 1976. As specifically stated in each of these letters, these commitments are added as conditions of the variance. They are:

(1) The waste materials burned will not exceed 300 tons/day. This is the throughput level at which May 1975 emission testing was done, and provides a baseline to determine if emissions or throughput are being maintained within the May 1975 levels.

(2) The City will examine ways of reducing incinerator throughput. The City has already agreed to add two recycling centers and to encourage their use with a promotional campaign.

(3) The incinerator will be maintained in good working condition until it is closed.

(4) Brush, cardboard and overwet materials which might exacerbate emissions will be removed from trash to be burned at the incinerator and hauled to the I-95 landfill at Lorton, Virginia. This selected burning process will be continued until closure of the incinerator.

(5) The City will regularly submit quarterly reports to EPA and the State of Viirginia containing information related to progress under the compliance schedule. EPA will be notified if the compliance schedule, which leads to the development of the refuse derived fuel (RDF) program, is not being met.

(6) The City guarantees that closure of the incinerator will not be delayed because of an inability to implement an RDF program.

In order to ensure an expeditious phase-out of the Alexandria Incinerator's operations, the Regional Administrator hereby proposes that the compliance schedule submitted by the City of Alexandria to the Commonwealth of Virginia, as well as the additional conditions agreed to by Friends of the

Earth, the City of Alexandria and EPA be incorporated into § 52.2435 (Compliance Schedules). This notice is to provide for public comment on this proposed rulemaking. All comments received on or before May 2, 1977.

All comments should be addressed to:

Howard Heim, Chief, Air Programs Branch (3AH10) Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth & Walnut Sts., Philadelphia, Pa. 19106, ATTN: AH007aVA.

Copies of these amendments, and the analysis on which they are based, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, ATTN: Harold Frankford.

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Va. 23219, ATTN: John M. Daniel, Jr.

Freedom of Information Center, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street S.W., Washington D.C. 20460.

(Authority: 42 U.S.C. 1857c-5.)

Dated: March 23, 1977.

CHRISTOPHER K. SEGLEM,
Acting Regional Administrator.

Part 52 of Title 40, Code of Federal Regulations is proposed to be amended as follows:

Subpart VV—Virginia

1. In §52.2435, paragraph (h) is added as follows:

§ 52.2435 Compliance schedules.

* * * * *

(h) With respect to the Eisenhower Avenue Municipal Incinerator, Alexandria, Virginia:

(1) The City of Alexandria (hereafter referred to as "City") is required to purchase the following refuse collection equipment or implement the following projects by the dates specified in order to gradually reduce incinerator throughput:

(i) July 1, 1977—Purchase of one refuse compactor, two tractors and two trailers, and the implementation of a promotional campaign for a recycling program.

(ii) July 1, 1978—Purchase of two additional tractors, two additional trailers, and the implementation of additional promotion for a recycling program.

(iii) July 1, 1979—Purchase of two additional tractors, two additional trailers and the implementation of additional promotion for a recycling program.

(iv) December 31, 1979—Closure of the incinerator.

(2) Waste Materials will not exceed a throughput level of 300 tons per day.

(3) The incinerator will be maintained in good working condition until it is closed.

(4) Brush, cardboard and overwet materials which might exacerbate emissions will be removed from trash to be burned at the incinerator and hauled to the I-95 landfill at Lorton. This selected burning process will be continued until closure of the incinerator.

(5) The City will regularly submit quarterly reports to EPA and the Commonwealth of Virginia continuing information related to progress under the compliance schedule. EPA will be notified if the compliance schedule, which leads to the development of the refuse derived fuel (RDF) program, is not being met.

(6) The City guarantees that closure of the incinerator will not be delayed because of an inability to implement an RDF program.

[FR Doc.77-9667 Filed 3-31-77;8:45 am]

[40 CFR Part 180]

[FRL 707-3; PP5E1611/P53]

PESTICIDE PROGRAMS

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities

PROPOSED TOLERANCES FOR PESTICIDE CHEMICAL OXYTETRACYCLINE

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes an amendment to 40 CFR 180.337 to correct an error made in a pervious rulemaking document.

DATES: Comments must be received by May 2, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division, Office of Pesticide Programs (WH-569), EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Eugene Wilson, Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, EPA (202-426-2454).

SUPPLEMENTARY INFORMATION: On February 2, 1976, the Environmental Protection Agency (EPA) proposed (41 FR 4832) that 40 CFR 180.337 be amended to (1) include a tolerance of 0.1 part per million (ppm) for residues of the pesticide oxytetracycline hydrochloride in or on the raw agricultural commodity pears resulting from a spray application, (2) to change the identification "fungicide" to "antimicrobial agent" in keeping with the pesticide's characteristics, and (3) to revise the section to read as follows.

§ 180.337 Oxyteracycline hydrochloride; tolerances for residue.

Tolerances are established for residues of the antimicrobial agent oxytetracycline hydrochloride in or on the following raw agricultural commodities:

0.35 part per million in or on pears resulting from infusion of pear trees with an aqueous solution of the pesticide after harvest and prior to formation of new blooms.

0.1 part per million in or on pears resulting from a spray application.

On March 30, 1976, the EPA published a notice of final rulemaking (41 FR 13360). The preamble to the notice of final rulemaking noted that the Agency had registered this pesticide for the infusion of pear trees with application occurring after harvest and before blooms. A tolerance of 0.35 ppm was in effect for residues resulting in or on pears from this use. The preamble went on to say that enforcement of two different tolerance levels for the same raw agricultural commodity was not practical, since the higher tolerance level of 0.35 ppm would be considered the maximum residue. Pesticide use is regulated through the registration of pesticide products under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, the regulations thereunder (40 CFR 162), and subsequently by label or labeling for such registered products. Therefore, in the March 30 notice of final rulemaking, 40 CFR 180.337 was amended by deleting the reference to the method of application (i.e., "infusion of pear trees with an aqueous solution to the pesticide after harvest and prior to formation of new blooms") which appears on the labels of the registered product(s) and by keeping the established tolerance for residues of 0.35 ppm in or on pears. The regulation now reads:

§ 180.337 Oxytetracycline hydrochloride; tolerances for residues.

A tolerance of 0.35 part per million is established for residues of the antimicrobial agent oxytetracycline hydrochloride in or on the raw agriculture commodity pears.

The notice of proposed rulemaking and the subsequent final rulemaking document were published as a result of a petition (PP 5E1611) filed with the EPA by the California Department of Food and Agriculture, 1220 N. St., Sacramento CA 95814. In a letter dated October 29, 1976, Mr. John C. Hillis, Chief, Agricultural Chemicals and Feed, California Department of Food and Agriculture, stated that an error had been made in the final rulemaking document published March 30, 1976, which established a tolerance of 0.35 ppm for residues of oxytetracycline hydrochloride in or on pears and dropped reference to the method of application. The pesticide petition 5E1611 requested a tolerance of 0.1 ppm for residues of oxytetracycline (base) in or on pears resulting from the application of oxytetracycline calcium complex for the control of blight. Mr. Hillis requested in his letter that the section title of the regulation be changed from "oxytetracycline hydrochloride" to "oxytetracycline", since in either case the activity was measured in terms of oxytetracycline (base).

The EPA established the tolerance at the highest level supported by data since it was the concensus at the time that two different tolerances could not be established for a single raw agricultural commodity. However, two different residue levels are enforceable since the patterns of use result in residues of oxytetracycline hydrochloride and residues of oxytetracycline calcium complex.

This correction is supported by residue and toxicology data submitted in support of pesticide petitions 5E1611, 3E1407, and 4E1460. The technical reason for two tolerance levels is based on the sensitivity of the method of analysis. The State of California is developing data to allow the tolerance level to be set at 0.1 ppm for residues of oxytetracycline in or on pears. Until such data is available to support an amendment to the regulation in this regard, two tolerances—one for oxytetracycline hydrochloride and one for oxytetracycline calcium complex—are appropriate. Such amendment to the regulation will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by May 2, 1977, that this proposal be referred to advisory committee in accordance with Section 408(e) of the Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear a notation indicating the petition/document control number "PP5E1611/P53". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pecticide Programs.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Title 40 CFR 180.337 is amended and revised to read as follows.

§ 180.337 Oxytetracycline; tolerances for residues.

A tolerance of 0.35 part per million is established for residues of the antimicrobial agent oxytetracycline hydrochloride in or on the raw agricultural commodity pears resulting from infusion of pear trees with an aqueous solution of the pesticide after harvest and prior to formation of new blooms.

A tolerance of 0.1 part per million is established for residues of the antimicrobial agent oxytetracline calcium complex in or on the raw agricultural commodity pears from spray applications of the pesticide up to 60 days before harvest.

[FR Doc.77-9688 Filed 3-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 35]

HOSPITAL AND STATION MANAGEMENT

Contributions for the Benefit of Patients

Section 321 of the Public Health Service Act provides for the control, management, and operation of all institutions, hospitals, and stations of the Public Health Service Further, it provides that, pursuant to regulations, there will be care, treatment, and hospitalization of patients.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the regulations set forth in tentative form below for the purpose of codifying in regulations by section 321, administrative procedures concerning the acceptance and expenditure of contributions of money or property for the benefit of patients in PHS facilities Until recently the means by which the various installations of the PHS handled such contributions was left to their discretion and procedures were described by various internal administrative issuances. In reviewing a proposed change in such an internal directive at the National Institutes of Health, the HEW Office of the General Counsel pointed out that Section 321 requires that such rules be made "pursuant to regulations." Because the proposed regulations would merely codify long standing practices, it is believed that there are no major issues of public interest involved, no impacts on the environment, nor does this proposed regulation work a burden on any member of the public.

The new regulations policies of the Department, issued July 25, 1976, require that this Notice of Proposed Rulemaking (NPRM) have an implementation plan prepared prior to its issuance. In compliance with these requirements, an implementation plan was forwarded to the Secretary and he has authorized the issuance of this NPRM without the use of a Notice of Intent (NOI) which would otherwise be required by the new policies because, as mentioned above, the proposed regulation is a codification of longstanding PHS hospital practices, is of limited public interest, and it is determined that this NPRM will provide satisfactory opportunity for public input.

Written comments concerning the proposed regulation are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulation may be presented in writing in duplicate to Mr. Lowell Peart, Building 1, Room 213, 9000 Rockville Pike, Bethesda, Maryland 20014 (301-496-4606). All comments received will be available for public inspection at said office on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m. All relevant material received on or before May 16, 1977 will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 27, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

It is therefore proposed to amend Title 42 of the Code of Federal Regulations by adding the following new subpart E.

Subpart E—Contributions for the Benefit of Patients

Sec.
35.51 Applicability.
35.52 Acceptance of contributions.
35.53 Report of and accounting for contributions.
35.54 Donors.
35.55 Acceptable personal property.
35.56 Expenditure of cash contributions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended, 63 Stat. 835 (42 U.S.C. 216); sec. 321, 58 Stat. 695, as amended, 62 Stat. 1017 (42 U.S.C. 248).

Subpart E—Contributions for the Benefit of Patients

§ 35.51 Applicability.

This subpart sets forth the policies and procedures governing the acceptance and administration of contributions of money or property intended solely for the benefit of all patients in a ward or unit or a particular hospital or station of the Public Health Service, excluding outpatient clinics. Such contributions are distinguishable from (a) monies or other valuables belonging to specific patients which are accepted and held in custody for the convenience of the patient until such time as he or she wishes to withdraw them, and (b) gifts to the United States to support Public Health Service functions under section 501 of the Public Health Service Act or other statutory provisions, which may be accepted administered only in accordance with such statutory provisions or other applicable laws.

§ 35.52 Acceptance of contributions.

(a) The officer in charge or his delegate may accept contributions of money or personal property which are donated for the general benefit of all patients within a ward or unit or hospital or station without further specification or conditions as to use. Contributions tendered subject to conditions by the donor, such as expenditure or use only on behalf of certain patients or for specific purposes, may not be accepted.

(b) Contribution of money or property shall be accepted in writing by the officer in charge.

§ 35.53 Report of and accounting for contributions.

(a) Contributions of money accepted pursuant to § 35.52 of this chapter (hereinafter referred to as "patient fund") will be treated consistently with Federal deposit rules and as supplemented with appropriate procedures of the facility. This regulation is not intended to exclude contributions for the benefit of patients from proper accountability and control of funds and property.

(b) Contributions of property accepted pursuant to § 35.52 of this chap-

ter shall be recorded and accounted for in the same manner as other property of a similar kind maintained in the hospital or station, but with suitable identification so that it can be distinguished from government-owned property.

§ 35.54 Donors.

Authorized contributions may be accepted from patients, employees and other individuals, and agencies and organizations.

§ 35.55 Acceptable personal property.

Contributions of personal property which may be accepted pursuant to § 35.52 of this Chapter include, but are not limited to, recreational equipment, furniture, radios and television sets. After its useful life, any cash proceeds realized upon disposition of such property shall be deposited to the credit of the patient fund and shall be available for expenditure pursuant to paragraph (c) of § 35.56 of this chapter.

§ 35.56 Expenditure of cash contributions.

(a) Officials authorized to accept contributions shall not maintain control over the actual obligation or expenditure of such monies.

(b) Only those officers or employees specifically designated in writing by the office in charge for such purpose may obligate and expend monies from the patient fund. The names of officials so designated shall be provided to the relevant fiscal control office.

(c) Subject to availiability of sufficient funds, monies in the patient fund may be expended for materials, services or activities which contribute to the well-being or morale of patients, including but not limited to provision of reading and entertainment materials, recreation activities, and, in appropriate cases, necessary financial support (including travel expenses, meals, and lodging) of relatives, guardians, or friends of patients to enable such persons to be available for the patient's comfort and support.

(d) Officers in charge may issue such additional instructions, not inconsistent with this subpart, as may be necessary to implement its provisions.

[FR Doc.77-9820 Filed 3-31-77;8:45 am]

[42 CFR Part 101]

CRITERIA FOR ALTERNATE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Advanced Notice of Proposed Rulemaking

Notice is hereby given that the Acting Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, is requesting comments from all interested organizations and individuals on major points to be addressed prior to the development of proposed rulemaking on criteria for establishing organizations which may qualify to become Professional Standards Review Organizations (PSROs) under section 1152(b)(1)(B) of the Social Security Act [42 U.S.C. 1320(c)-1(b)] where organizations composed of physicians meeting the requirements of section 1152(b)(1)(A) of the Act are not available.

Under section 1152(c) of the Act [42 U.S.C. 1320c-1(c)], on January 1, 1978, the Secretary may commence designating qualified organizations other than the statutorily preferred type of physician organizations designated under section 1152(b)(1)(A) of the Act to serve as PSROs.

Beginning on this date, the Secretary is authorized to designate as PSROs, as provided in section 1152(b)(1)(B) of the Act:

> * * * such other public, nonprofit private or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations to be of professional competence and otherwise suitable;

In addition, as a result of the legislative amendments passed on December 31, 1975 (Section 108 of Pub. L. 94-182), the Secretary may designate alternate PSROs in those areas where, as of January 1, 1976, a poll under section 1152(f) of the Act had been lost or the largest membership association of doctors of medicine or osteopathy in the area or State officially opposed PSROs prior to December 31, 1975. Regulations establishing the criteria and other requirements are prerequisite to the designation of alternate PSROs, under section 1152(b)(1)(B).

Background

By January 1, 1978, there may not be physician organizations designated as PSROs in all 203 designated PSRO areas. The Senate Finance Committee Report (No. 92-1230, 92nd Congress, 2nd Session, 1972, p. 259) on the PSRO statute declared that:

> * * * only a full implementation effort will provide the impetus needed to establish effective and equitable comprehensive professional review throughout the Nation.

Section 1152(a) of the Act requires that PSROs be established throughout the country "at the earliest practicable date" and section 1152(c) requires that physician organizations established in accordance with section 1152(b)(1)(A) be given first priority to assume the role and to perform the activities required of PSROs. The Senate Finance Committee Report stated that physicians "preferably through organizations sponsored by their local associations should assume responsibility for the professional review activities" (Report No. 92-1230 p. 258). This intention was further reiterated in the Committee Report:

> * * * priority in designation as a PSRO would be given to organizations established at local levels representing substantial numbers of practicing physicians who are willing and believed capable of progressively assuming responsibility for overall continuing review * * * [Senate Finance Committee Report No. 92-1230, p. 259]

However, Congress had made it clear that other applicant organizations would be considered for PSRO status if the local preferred physician group failed to express an interest in performing review activities. The Committee Report asserted:

> Physician organizations or groupings would be completely free to undertake or decline assumption of these responsibilities of organizing a PSRO. If they decline, the Secretary would be empowered to seek alternative applicants from among other medical organizations, State and local health departments, medical schools, and failing all else, carriers and intermediaries or other health insurers. [Senate Finance Committee Report No. 92-1230, pp. 259-260]

The Committee Report once again suggested that other applicants would be selected to perform review when it stated:

> * * * the committee would not preclude other arrangements being made by the Secretary where medical organizations are unwilling or unable to assume the required work * * * [Senate Finance Committee Report No. 92-1230, p. 258]

Given the possibility that there may be no qualified physician organizations as specified under section 1152(b)(1)(A) of the Act in each designated PSRO area by January 1, 1978, the Department must determine eligibility criteria which will be used in designating alternate PSROs.

However, in light of the intention of Congress to give priority to qualified physician organizations under section 1152(b)(1)(A), the Department hopes to establish the preferred physician sponsored PSROs in as many as possible of the 83 areas where no planning or conditional PSROs have been established. The solicitation of new planning PSROs from professional associations qualified under section 1152(b)(1)(A) began in October 1976 and should continue through the summer of 1977.

Legislative Criteria and Guidance

Section 1152(b)(1)(B) of the Social Security Act and the Senate Finance Committee Report offer some assistance in determining appropriate eligibility criteria for selecting alternate PSROs, as follows:

(1) Each alternate PSRO must be a * * * public, nonprofit private, or other agency or organization * * * [Section 1152(b)(1)(B) of the Social Security Act]

(2) The alternate organization must "be of professional competence" [Section 1152(b)(1)(B) of the Social Security Act]

(3) The Secretary may seek alternative applicants from "among other medical organizations, State and local health departments, medical schools, and failing all else, carriers, intermediaries or other health insurers" [Senate Finance Committee Report No. 92-1230 pp. 259-260]

(4) Each (alternate) organization must submit a formal plan indicating a willingness and capability to perform in an effective, timely, and objective manner and at a reasonable cost, the duties, functions and activities of a Professional Standards Review Organization * * * [Section 1152(b)(2) of the Social Security Act]

Public Hearings

Public hearings on alternate PSROs will be an integral part of the regulation development process. Such hearings will assist the Department in reaching as

many concerned individuals, organizations, and potentially affected areas as possible.

ISSUES

In response to a request made by the National Professional Standards Review Council, the formation and responsibilities of which are mandated in section 1163 of the Social Security Act, the Public Health Service has drafted a preliminary policy paper concerning alternate PSROs. Although this paper suggests possible criteria which could be used to designate alternate PSROs, it should not be interpreted to represent the Department's final position and policies concerning alternate PSROs. Public input may cause substantial revision in the views developed by the Public Health Service thus far. Those parties interested in securing a copy of this paper should contact Michael J. Goran, M.D., Director, Bureau of Quality Assurance, Room 16A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

As was previously stated, the PSRO statute and the Senate Finance Committee Report suggest language that could be transformed into criteria for establishing alternate PSROs. The Public Health Service has suggested the following preliminary criteria which could be used to designate alternate PSROs:

I. Each alternate PSRO must not make a profit (i.e., reimbursement for more than the actual cost) from its PSRO activities.

II. No organized medical society or association or organization "controlled" by such organizations can be designated an alternate PSRO.

III. Each alternate PSRO must have or demonstrate the capability to obtain the services of individuals with medical expertise to competently perform review activities.

IV. Each alternate PSRO must have the capability to adequately service the PSRO area.

V. Each alternate PSRO must not have inherent conflicts of interest that affect its role as a reviewer of health care.

These potential criteria should not be interpreted as definitive Department policy but rather as a preliminary attempt to stimulate discussion and interest in this area of concern. The Department invites public comment on these tentative criteria for establishing alternate PSROs. Moreover, the Department desires to solicit additional or alternative potential criteria which could supplement, complement and/or replace those suggested above and which will ensure that organizations designated by the Secretary as alternate PSROs could function effectively in this capacity.

In addition, comments are specifically requested on the following areas of interest:

1. What types of organizations (e.g., profit, nonprofit, State health departments, medical schools, etc.) are most "suitable" to become alternate PSROs?

2. In instances where the Secretary finds no qualified organization within the PSRO area to serve as the alternate PSRO should the Department then consider designating as an alternate PSRO a qualified organization which performs its principal activities outside the area?

3. Should organized medical societies or physician specialty associations have any role with respect to alternate PSROs?

4. What are the indicators of professional competence to perform review and effectively serve as an alternate PSRO?

5. What arrangements for medical competence should an alternate organization make?

6. Should an alternate PSRO be required to demonstrate that it has support from various elements of the health care community and from local consumers?

7. Should there be a relationship between consumers and the alternate PSRO? If so, how could such relationships be effected?

8. Are there any other factors that should be considered in designating alternate PSROs? If so, should they be structured as requirements or optional features?

Interested persons are invited to submit their written comments and suggestions on the issues identified in the Notice or related issues addressed to the Director, Bureau of Quality Assurance, Room 16A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Comments and suggestions received on or before May 16, 1977 will be considered in the preparation of proposed regulations and will be available for public inspection at the above address on Monday through Friday of each week from 8:30 a.m. to 5 p.m.

This invitation to submit suggestions and comments is being issued for the purpose of obtaining the broadest participation possible in the drafting of the proposed rule. A Notice of Proposed Rulemaking will be published subsequent to a careful review of public comments and resolution of outstanding issues.

Dated: February 23, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-9821 Filed 3-31-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket 21006]

CABLE TELEVISION SERVICES

Monitoring for Signal Leakage From Cable Television Systems; Order Extending Time for Filing Reply Comments

Adopted: March 25, 1977.

Released: March 29, 1977.

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Request for extension of time to file reply comments in Docket 21006 granted.

DATE: Reply comments due May 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert S. Powers, Research Division, Cable Television Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-9797.

In the matter of amendment of Part 76 of the Commission's rules to add frequency channelling requirements and restrictions and to require monitoring for signal leakage from cable television systems.

1. The National Cable Television Association has requested an extension of time in which to file reply comments in this proceeding from April 1, 1977 until May 2, 1977 and that request is hereby granted.

2. The additional time is said to be necessary because of scheduling problems relating to an upcoming convention, because of the lack of engineering staff due to the recent death of NCTA's Engineering Vice-President, the likelihood of a filing in this proceeding by the Office of Telecommunications Policy, which would require extensive engineering analysis. We believe this constitutes good cause for the time extension requested.

Accordingly, *it is ordered*, That the date for filing responsive comments in this proceeding is extended to May 2, 1977.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES R. HOBSON,
Chief, Cable Television Bureau.

[FR Doc.77-9745 Filed 3-31-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

FREMONT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Fremont National Forest Grazing Advisory Board will meet on April 21, 1977, at 1 p.m. in the Supervisor's Office. The primary purpose of the meeting will be to review Grazing Association activities.

The meeting will be open to the public. Persons who wish to attend should notify Philip Lee, Post Office 551, Lakeview, OR 97630, telephone 947-2151. Written statements may be filed with the Grazing Board before or after the meeting.

Dated: March 23, 1977.

JOHN W. CHAMBERS,
Forest Supervisor.

[FR Doc.77-9756 Filed 3-31-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30552]

AIR MANILA, INC.

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on May 3, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., March 28, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-9802 Filed 3-31-77;8:45 am]

[Order 77-3-157; Docket 29790]

DALLAS/FORT WORTH-WESTERN MEXICO ROUTE PROCEEDING

Order Denying Petitions for Reconsideration and Consolidating Additional Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of March, 1977.

This proceeding was instituted by Order 76-9-80 of September 15, 1976, to determine the need for authorization of United States flag service between the terminal points Dallas/Fort Worth and the coterminal points Guadalajara, Puerto Vallarta, Mazatlan, La Paz, and San Jose del Cabo in Mexico.[1] Timely filed petitions for reconsideration by American Airlines, Inc., Braniff Airways, Inc., and Eastern Air Lines, Inc., are pending disposition by the Board. Applications for route authority within the scope of the investigation have been filed by American Airlines (Docket 22487), Frontier Airlines (Docket 29886), and Texas International Airlines, Inc. (TXIA) (Docket 29888) accompanied by appropriate motions for consolidation. American has also filed an application (Docket 29884) which includes Manzanillo and Zihuatanejo as points in Mexico and a motion to consolidate in the event its request to expand the proceeding is granted.

The American petition for reconsideration requests that Manzanillo and Zihuatanejo be added as additional points in Western Mexico. It is opposed by the Bureau of Operating Rights. Braniff requests that the Board reconsider instituting the investigation at this time and defer it until bilateral negotiations beween the nited tSates and Mexico have been concluded. Answers opposing deferral have been filed by American, TXIA, United Air Lines and the Bureau. tween the United States and Mexico have Eastern asks that the scope of the proceeding be expanded to include Atlanta and New Orleans along with Dallas/Fort Worth as United States coterminal cities. It is supported by Atlanta and the Atlanta Chamber of Commerce. Answers in opposition have been filed by TXIA and the Bureau, and Eastern has filed a petition for leave to file an otherwise unauthorized document, viz. a proposed answer in response to the Bureau's opposition.

The substance of the Braniff petition has already been considered and disposed of in Docket 29789 (Order 76-12-119, December 21, 1976), the counterpart investigation (Yucatan) which was also instituted by Order 76-9-80. It will be denied for the same reasons which dictated denial as to the Yucatan proceeding in Order 76-12-119.

The Eastern petition to enlarge the scope of the proceeding notes that an Atlanta/New Orleans route to the five points in Mexico is provided for in the Air Transport Agreement between the United States and Mexico as Route P along with Route S, the Dallas/Fort Worth Route. It argues that Order 76-9-80 does not set forth the reason why Route P was not included as well as Route S. In its answer in opposition the Bureau recites that the greater part of the traffic historically moving along Route S has been through the Texas gateways of Dallas, Houston and San Antonio. It argues that "Since an award of Route S authority would involve first competitive U.S. carrier service, any incumbent should have enough immediate traffic support for viable operations. Traffic levels on Route P are smaller and any award of Route P authority would clearly result in the undue fragmentation of U.S.-Western Mexico traffic."

The unauthorized document which Eastern seeks to file is a reply to the Bureau's opposition and it is directed particularly to the Bureau's recital that the "greater part of the traffic historically" moving to the western Mexico points has been through the Texas gateways. It contends that the Bureau thus indicates "for the first time a superficial rationale for excluding Route P from the Western Mexico case." Because of the injection of this issue we will grant Eastern's motion for leave to file the otherwise unauthorized reply. However, we will reaffirm our decision to exclude consideration of Route P as part of the investigation. The possibility of its inclusion was in fact considered by the Board prior to entering Order 76-9-80. As noted in the order, Eastern advanced a request to include Route P in three separate documents which were before the Board for consideration in reaching the decision to consider only Route S at this time.[2] Further, consideration of the Route P authority in this proceeding would surely serve to delay consideration of awards for authority between the Texas gateways and Western Mexico. A prehearing conference has been held herein and direct exhibits are due to be filed later this month. Broadening the scope of the cast at this time to include Atlanta and New Orleans would be bound to attract new applications for service and further requests for consolidation, would require another prehearing conference, and would lead to a rather extensive postponement of all procedural dates. Under all of the circumstances, grant of Eastern's petition for reconsideration is not warranted and it will be denied.

[1] Order 76-9-80 also instituted a separate investigation (Docket 29789) to determine the need for authorization of United States flag service between Houston and New Orleans on the one hand, and Merida, Cozumel and Punta Cancun, on the other.

[2] Eastern's answers in support of motions by Braniff, American and Ozark for immediate hearing of applications filed by these carriers.

The American petition to expand relies on the proposition that the two additional Mexico cities will most likely be included in a forthcoming bilateral agreement, and the argument that consideration of service at these additional Mexico points will be expedited if they are considered herein and that a second hearing as to them could be thereby avoided. As we stated in Order 76-12-119, "* * * rather than speculating about the addition of new routes in a forthcoming bilateral agreement * * * we think it preferable to proceed within the framework of the routes covered by the current agreement." Accordingly, the American petition for reconsideration will be denied.

The applications of American in Docket 22487, Frontier in Docket 29886 and TXIA in Docket 29888 seek route authority within the scope of the investigation and the respective motions for their consolidation herein will be granted.

Accordingly, it is ordered That: 1. The petitions for reconsideration of Order 76-9-80 filed by American Airlines, Inc., Braniff Airways, Inc. and Eastern Air Lines, Inc. be and they are hereby denied.

2. The petition of Eastern Air Lines, Inc. for permission to file an otherwise unauthorized document be and it is hereby granted.

3. The applications of American Airlines, Inc. (Docket 22487), Frontier Airlines, Inc. (Docket 29886) and Texas International Airlines, Inc. (Docket 29888) be and they are hereby consolidated into Docket 29790.

4. The petition of American Airlines, Inc., for consolidation of its application in Docket 29884 be and it is hereby denied and the application in Docket 29884 is dismissed, without prejudice.

5. This order shall be served on the same parties named in paragraph 17 of Order 76-9-80 and in addition on the St. Louis Airport Authority-City of St. Louis (St. Louis) and the Greater Cincinnati Chamber of Commerce, City of Cincinnati, and the Kenton County Airport (Cincinnati Parties).

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9807 Filed 3-31-77;8:45 am]

[Doc. 30652]

EMPRESA GUALEMALTECA DE AVIACION (AVIATECA) AND TRANSPORTES AEREOS, SOCIEDAD ANONIMA (TASA), RESPONDENTS

Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Stephen J. Gross. Future communications should be addressed to Judge Gross.

Dated at Washington, D.C., March 28, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-9801 Filed 3-31-77;8:45 am]

[Order 77-3-154; Doc. 29632]

FRONTIER AIRLINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of March 1977.

On August 11, 1976, Frontier filed an application pursuant to Subpart M of Part 302 of the Board's Procedural Regulations requesting an amendment of its certificate of public convenience and necessity for Route 73 to permit nonstop service between Albuquerque, New Mexico, and Phoenix, Arizona.[1] Frontier's Route 73 consists of a single segment. Condition 5 of the applicant's certificate provides that the carrier must make at least one intermediate stop on flights between Albuquerque and Phoenix.

A joint answer in support of the application has been filed by the New Mexico Aviation Department and the State Corporation Commission of New Mexico. An answer in support of the application has been filed by the City of Phoenix, Arizona. An answer opposing the application has been filed by TWA. Frontier filed a contingent reply to the answer of TWA.[2]

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Frontier's application should be set for hearing under the procedures prescribed by Subpart M. We note that, by Notice of Environmental Rejection, contemporaneously issued with this order, the Chief of Legal Division, Bureau of Operating Rights, having reviewed the environmental evaluation provided with Frontier's application and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8 of the Board's Procedural Regulations, has found, pursuant to § 312.13 of the Board's Procedural Regulations, that the proceeding instituted herein is not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). However, that conclusion is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor are we foreclosed from consideration of environmental facts resulting from the possible licensing actions in issue in this proceeding, which, although of a lesser magnitude than those required to trigger further procedures under the requirements of NEPA and Part 312 of the Board's rules, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That: 1. The application of Frontier Airlines, Docket 29632, be and it hereby is set for hearing, on a subsidy ineligible basis, before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits; and

2. The motions for leave to file unauthorized documents filed by the City of Phoenix and Trans World Airlines, Inc. be and they hereby are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9806 Filed 3-31-77;8:45 am]

[Doc. 29632]

FRONTIER AIRLINES, INC.

Environmental Rejection

On August 11, 1976, Frontier Airlines, Inc. submitted an environmental evalua-

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[1] Pursuant to section 1305(c) of the Board's Rules of Practice, Trans World Airlines and Delta Air Lines filed requests that the application be dismissed. Delta's objection that the question of Albuquerque-Phoenix nonstop authority should be included in an expanded Las Vegas-Dallas/Fort Worth Nonstop Service Investigation, Docket 29445, has been rendered inapplicable by our decision to deny all petitions for reconsideration of instituting Order 76-6-161, in Order 76-10-61, October 15, 1976. In its request to dismiss the application, TWA requests a hearing with the right to participate in the event that we should decide to process Frontier's application under Subpart M.

In any event, since we did not act to summarily dismiss the application within the 14-day period set forth in § 302.1305(a), the provisions for further procedures of Subpart M became applicable automatically.

[2] Because the answers of the City of Phoenix and TWA were untimely filed, both answers were filed with motions for leave to file otherwise unauthorized documents. An answer in opposition to TWA's motion for leave to file was filed by Frontier, with a contingent reply to TWA's answer. TWA filed a reply to Frontier's answer opposing TWA's motion for leave to file a late answer, with a motion for leave to file an unauthorized reply. Lastly, Frontier filed a letter in the docket of this proceeding, protesting that TWA, in its submission of two motions for leave to file otherwise unauthorized documents in this proceeding, seeks only to delay the Board's ultimate disposition of the instant application.

We shall grant all outstanding motions for leave to file otherwise unauthorized documents. Both the City of Phoenix and TWA have submitted answers containing information important to the development of a thorough and meaningful record in this proceeding. Moreover, all interested persons were put on notice, by TWA's contingent request for a hearing contained in its timely filed request for dismissal of the application, of TWA's intention to submit evidence in opposition to Frontier's application.

tion, pursuant to § 312.12(a)(1) of the Board's Procedural Regulations, in connection with its application for nonstop authority between Albuquerque, New Mexico, and Phoenix, Arizona, filed pursuant to Subpart M of the Board's Rules of Practice in Docket 29632.

Frontier's calculations are based upon the assumption that it would operate four daily nonstop flights between Albuquerque and Phoenix in addition to altering its existing service patterns in other markets to take advantage of this new nonstop authority. Such changes would result in two additional nonstop flights in the Albuquerque-Denver market and four additional flights in the Phoenix-Tucson market. Frontier's service in the Albuquerque-Tucson market would be decreased by two daily nonstop flights.[1]

Pursuant to §§ 312.8 and 312.13 of the Board's Procedural Regulations, the undersigned—having reviewed the environmental evaluation and other available information with respect to the application described above and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8—hereby finds that any subsequent Board action approving, denying, or otherwise acting upon such application would not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., March 28, 1977.

BARBARA A. CLARK,
Chief, Legal Division,
Bureau of Operating Rights.

[FR Doc.77-9803 Filed 3-31-77;8:45 am]

[Order 77-3-161; Doc. 29961]

KODIAK WESTERN ALASKA AIRLINES, INC.

Order Denying Suspension of Service at Ugashik, Alaska

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of March, 1977.

On October 22, 1976, Kodiak-Western Alaska Airlines, Inc. (KWA), filed an application pursuant to Part 205 of the Board's Economic Regulations for authority to temporarily suspend service at Ugashik, Alaska, for a period of not less than two years.[1]

In support of its application, KWA alleges that: (1) The lack of maintenance equipment and landing aids, a dirt airstrip with no gravel or other surfacing, and frequent inclement weather often combine to create conditions at Ugashik that are not conducive to the provision of adequate scheduled service; (2) the traffic and mail volumes are extremely light; (3) Pilot Point, Alaska, which is only 10 miles away, receives scheduled service; (4) if the request for suspension is approved, KWA would continue to provide charter service as needed; and (5) the "critical factor," according to KWA, is the 1973 decision of the Postal Service to relocate the Post Office to a site approximately one mile from the airstrip. KWA contends that there is no available means of transportation from the airstrip to the Post Office and, since its personnel are required by Postal Regulations to deliver the mail directly to the Post Office, this relocation has made it nearly impossible to serve Ugashik.[2]

Answers in opposition to KWA's application have been filed with the U.S. Postal Service and one Ugashik Village Council. These answers were accompanied by motions for leave to file untimely documents.[3] Both parties request the suspenion application be denied and allege that: (1) Pilot Point, although 10 miles away, can be reached only by air during most of the year; (2) the physical conditions of Ugashik Airport have not changed since KWA filed for its certificate of public convenience and necessity; (3) the canning business located in Ugashik would be forced to cease operations if mail service is discontinued; (4) approval of the application wolud leave Ugashik without any means of communication; (5) there is a vehicle in the village with which to transport the mail from airstrip to Post Office; (6) KWA's proposed charter service would not solve the problem of mail delivery; (7) an attempt to provide substitute air taxi service would involve comparative high cost; and finally (8) the new site of the Post Office is only 50-60 yards further from the airstrip than was the previous location.[4]

Upon consideration of the pleadings and all relevant facts, we have decided to deny KWA's request for suspension of service at Ugashik. The economic stability and general welfare of Ugashik are predicated on the availability of regularly scheduled air service. This is attested to by the vigorous objections to suspension by both the civic and postal authorities. Less than two years ago, the Board determined that scheduled air transportation at Ugashik was required.[5] KWA has not demonstrated that there are any changed circumstances which would require us to reverse this finding.

Accordingly, it is ordered, That: 1. The application of Kodiak-Western Alaska Airlines, Inc., for suspension of service to Ugashik be and it hereby is denied;

2. The motions of the U.S. Postal Service and the Ugashik Village Council for leave to file untimely documents be and they hereby are granted; and

3. The motions of Kodiak-Western Alaska Airlines, Inc., the U.S. Postal Service, and the Ugashik Village Council to file otherwise unauthorized documents be and they hereby are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9809 Filed 3-31-77;8:45 am]

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[1] We note that environmental evaluations concerning the Albuquerque-Denver, Phoenix-Tucson, and Albuquerque-Tucson markets were unnecessary since Frontier already holds unrestricted authority in each of these markets.

[1] Ugashik is a small village in the Bristol Bay area with a permanent population of 14. Seventy-nine passengers were enplaned at Ugashik for the year ending June 30, 1976, and incoming mail averaged one ton per month.

[2] KWA filed a motion for leave to file an otherwise unauthorized document which contained this last allegation. This motion will be granted.

[3] Good cause having been shown, we will grant the motions.

[4] Both the U.S. Post Office and the Ugashik Village Council filed motions for leave to file an otherwise unauthorized document wherein this last point was contained. These motions will be granted.

[5] See Kodiak-Western Alaska Renewal Proceeding, Docket 23604, Order 75-8-72, August 13, 1975.

[Doc. 30554]

PAN AMERICAN WORLD AIRWAYS

Proposed Approval

Application of Pan American World Airways, Inc., for disclaimer of jurisdiction, approval or exemption with respect to operation of the Westchester County Airport, Docket 30554.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended that the Civil Aeronautics Board intends to issue the attached order. Interested persons are hereby afforded until April 6, 1977, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 29, 1977.

PHYLLIS T. KAYLOR,
Secretary.

ORDER OF APPROVAL

Pan American World Airways, Inc. (Pan American) has requested that the Board disclaim jurisdiction over or, in the alternative, approve without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), Pan American's contract to manage the Westchester County Airport (Westchester). If action cannot be taken by March 29, 1977, the date upon which the contract is to take effect, Pan American has requested that the Board temporarily exempt it from the provisions of section 408 of the Act, pursuant to section 416 thereof, to the extent necessary to permit it to manage the airport.

Pan American has entered into an agreement to manage Westchester on behalf of Westchester County, New York (the County), under the supervision and control of County officials. Westchester serves the County and adjacent areas of Fairfield County, Connecticut, for certificated service (Allegheny Airlines), air taxi service, and general aviation service.

Pan American states that another party currently operates the Airport and that its contract with the County will expire shortly; that the County requested proposals by potential replacements of the existing operator; and that Pan American's proposal was chosen from a group of nine which had been submitted.

Under the terms of the agreement, Pan American is required to manage and operate Westchester and keep it available to the

public for 24 hours a day, seven days a week, and to do so in a safe and efficient manner; to maintain and repair the physical plant of the airport (runways, grounds, buildings, etc.); to perform certain aviation support functions (e.g., operate the airport's fuel farm and make continuous meteorological observations); and to prepare certain plans, rules, and regulations for the airport, including an emergency contingency plan and an airport security plan.

With regard to contracts between the County and third parties relating to Westchester, Pan American is required to perform said contracts on behalf of the County, to insure compliance by third parties, and to advise the County in the solicitation of bids and negotiations of contracts which are necessary or desirable for the operation of Westchester. Pan American does not have authority to enter into any contracts, and is limited to an advisory capacity.

Pan American is also responsible for certain financial and accounting services, including the preparation of financial statements, billing and collection, and preparation of statistical reports required by County, State, and Federal agencies. It is also responsible for preparation of Westchester's operating and capital budgets, which are subject to County approval. The agreement also establishes personnel requirements which Pan American must meet, and Pan American's personnel selections must be approved by the County.

Under the agreement Pan American will be reimbursed for all of its expenses which are made pursuant to the operating budget approved by the County, plus a fixed fee of approximately $14,600 per month. In addition Pan American will receive an annual incentive fee of 10 percent of the net income, if any, of the airport for the year. Net income is the surplus of revenues, as defined in the agreement, over expenses. The annual incentive fee cannot, however, exceed 150 percent of the incentive fee paid in the previous year.

Finally, the agreement contains a strong prohibition against discrimination by Pan American in the provision of services and in the pricing of such services. It also prohibits Pan American from conducting air carrier operations at the airport except in cases of emergencies.

In support of its request for a disclaimer of jurisdiction, Pan American asserts that the County will, in fact, operate the airport and that Pan American will merely be acting as an agent of the County, carrying out its decisions. Pan American asserts that this situation is in sharp contrast to previous airport operating agreements in which the Board found control to exist within the meaning of section 408 of the Act;[1] that in those cases, Pan American would have assumed substantial entrepreneural risks for long periods of time, and would have assumed effective control of airport operations. Pan American asserts that although Westchester is a person engaged in a phase of aeronautics and Pan American is an air carrier, the county will in fact operate the airport with Pan American's assistance; and that Pan American is therefor neither operating the County's aeronautical properties nor acquiring control of the County's aeronautical operations.

With regard to the request for approval, Pan American asserts that the Board's approval of an agreement between Pan American and the Port Authority of New York and New Jersey for the operation of the Teterboro Airport provides ample precedent for approval of the subject application.[2] Pan American asserts further that the agreement with Westchester does not affect control of an air carrier directly engaged in the operation of aircraft in air transportation and will not create a monopoly or restrain competition. Pan American states that it received the contract through an essentially competitive bidding process; that its size in and of itself will not be a factor since the previous operator was the subsidiary of a much larger concern;[3] that Teterboro and Westchester Airports serve different markets;[4] and that Pan American will be acting as the County's agent.

Pan American believes that it has ample experience in airport operations which will enable Westchester to provide improved services to airport users; that since relief of congestion at New York's major airports continues to be of public concern, improved services at Westchester will benefit the public; and that Pan American, under the terms of its agreement with the County, has committed itself to encourage the investment of private capital at the airport.

An answer in support of Pan American's application was filed by Westchester County. It asserts that, after a careful and lengthy evaluation, Pan American was selected as the contractor most likely to meet the County's goals for its airport management program; that Pan American cannot operate into the airport under the terms of the agreement; and that carriers which compete with Pan American cannot use the airport because of its limited size. The County further asserts that its agreement with Pan American is totally unlike that approved by the Board involving Teterboro; that the County will retain full responsibility for fundamental decisions about the Airport's operations; and that disapproval of the agreement would be detrimental to the County since it would probably have to repeat the entire selection process and its pricing flexibility would be reduced by public disclosure of its agreement with Pan American.

No comments opposing the application or requesting a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, we find that Pan American is an air carrier; that Westchester County, by virtue of its ownership of Westchester County Airport, is a person engaged in a phase of aeronautics; and that Pan American's agreement with the County, as described above, may constitute a contract by an air carrier to operate a substantial part of the properties of a person engaged in a phase of aeronautics within the meaning of subsection 408(a)(3) of the Act.[5] However, it is further found that the transaction does not affect control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, or restrain competition; and that no person disclosing a substantial interest is currently requesting a hearing. It is also found that the transaction will not be inconsistent with the public interest or leave the requirements of section 408 otherwise unfulfilled; and that it should be approved, subject to condition.[6]

The Board has previously approved the operation of another suburban airport, Teterboro, by Pan American,[7] and many of the conclusions reached in that decision are relevant to the present application. Thus, it is unlikely that there are any conflicts of interest between Pan American's role as a certificated air carrier and its role as an operator of a predominently general aviation airport which would require disapproval. It would, in fact, be to Pan American's benefit to encourage use of Westchester by general aviation to reduce congestion at the major New York airports. Further, Pan American receives an incentive fee based on airport revenues, so that any restrictive practices could prove to be detrimental to the carrier itself. More fundamentally, any restrictive practices which might result from potential conflicts of interest would be forbidden by provisions of other sections of the Act, as well as the Federal Airport Act, and discriminatory practices are clearly forbidden by the terms of the agreement under consideration.[8] Further, Pan American's role at Westchester will be more limited than the arrangement at Teterboro, where the carrier leased the airport. Here, the County will retain substantial control over airport management and policy. Finally, we note that no air carrier, aviation supplier, general aviation user, or other person has objected to the application.

Specifically, the use of Westchester by a certificated carrier, Allegheny, does not appear to create substantial conflicts of interest. Pan American and Allegheny do not currently significantly compete over any routes,[9] and it appears that Pan American would have no incentive to treat Allegheny

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[1] Pan American World Airways, Inc., Jurisdiction, 47 CAB 1126 (1967).

[2] Pan American World Airways, Inc., Farmingdale and Teterboro Airports, 49 CAB 107 (1968).

[3] The previous operator is owned by Gulf Oil Corp.

[4] Pan American alleges that Teterboro serves the general aviation market for Manhattan and Bergen and Passaic Counties in New Jersey and that Westchester County Airport serves the Westchester County, New York, and Fairfield County, Connecticut, markets.

[5] As to Pan American's request for a disclaimer of jurisdiction, this issue cannot be definitely resolved on the basis of the limited information in the pleadings before us. Since we have concluded to grant Pan American the relief requested in the form of an approval without hearing, however, no further inquiry on the disclaimer request is required.

[6] Since the Board has decided to grant Pan American's request pursuant to section 408 of the Act, its alternative requests will be dismissed.

[7] Pan American World Airways, Inc., Farmingdale and Teterboro Airports, *supra*.

[8] Section 308 of the Act precludes any exclusive right of airport use. Section 11(1) of the Federal Airport Act requires that the airport be available for public use on fair and reasonable terms and without unjust discrimination. Article 8 of the agreement with the County requires that Pan American comply with all applicable Federal, State and local laws and requires that Pan American keep Westchester available to the public on a nondiscriminatory basis, charging fair and reasonable prices for service provided.

[9] Pan American currently operates fill-up service between Detroit and Boston on some of its international flights and Allegheny operates one-stop service in the market. Pan American's operations are so limited in extent, however, that this competition would not appear to give rise to significant conflicts.

unfairly.[18] Moreover, since Pan American is precluded from conducting other than emergency air carrier operations at Westchester, protection of its operations will not be an incentive to discriminate against any air carrier.

Nevertheless, to insure that Pan American's operation has limited anticompetitive effects, we will impose a condition similar to one of those imposed in our approval of the Teterboro operation to prohibit Pan American from engaging on its own behalf in the business of providing aviation services except on a casual, infrequent or emergency basis. The condition will not, however, prohibit Pan American from providing these services in connection with aircraft which it owns or sells or operates. We shall also retain jurisdiction in this proceeding for the purpose of amending or revoking our approval herein, should the public interest so require.

As a final matter, under the agreement, Pan American will be reimbursed for all expenses it incurs pursuant to authorized budgets and will receive at least a guaranteed fixed fee in addition. Thus there is almost no risk that Pan American would incur losses from this activity which would impair its ability to perform its certificate obligations.

Accordingly, it is ordered, That: 1. Subject to the condition specified below, the application of Pan American World Airways, Inc. for approval of its agreement with Westchester County, New York, for the operation of Westchester County Airport (Docket No. 30554) be and it hereby is approved;

2. The approval is subject to the following condition: Except in connection with aircraft which it may sell, own, or operate, or on a casual, infrequent, or emergency basis,

Pan American on its own behalf, shall not engage in the aviation service business at Westchester County Airport; *Provided, however*, That Pan American may provide such services for a period up to 90 days if necessitated by failure of persons normally engaged in such activities to provide such services. For the purposes of this order, aviation service business involves principally the following activities: (1) The sale to users of aircraft fuel and lubricants; (2) the delivery of fuel into aircraft; (3) aircraft maintenance and repair; (4) the sale and installation of avionics; (5) the provision of hangar storage and outdoor tiedown locations for aircraft (Pan American reserves the right also to provide hangar facilities and public tiedown services); and (6) the performances of turnaround services; and

3. Except to the extent specifically granted herein, all other requests in the application in Docket 30554 be and they hereby are dismissed.

Jurisdiction is hereby retained for the purpose of amending or revoking with or without hearing, the approval granted herein, as the public interest may require.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

_____,
Secretary.

[18] It is also noted that Pan American and Allegheny have numerous agreements relating to provision of services by one carrier to the other, including a ground services agreement at JFK International Airport, Agreement CAB 24438, approved by Order 74-7-12, July 2, 1974. Any discriminatory action taken by Pan American would be totally inconsistent with the cooperative relationships indicated by these agreements.

[Order 77-3-153; Doc. 29123; Agreement C.A.B. 26505, R-1 through R-3]

TRAFFIC CONFERENCES OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a proportional fares meeting held in New York, February 1-8, 1977, and is proposed for effectiveness April 1, 1977.

Insofar as it would apply in direct air transportation as defined by the Act, the agreement would amend North Atlantic, North/Central Pacific, and South Pacific proportional fares used to construct through international fares to/from U.S. interior points. The changes reflect recently approved general increases in U.S. domestic passenger fares as well as certain changes in domestic first-class fares ordered by the Board as part of Phase 9 of the Domestic Passenger Fares Investigation, and will receive Board approval.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, the Board does not find that the following resolutions, incorporated in Agreement C.A.B. 26505, R-1 through R-3, are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
6505:			
R-1	015	North Atlantic proportional fares North American (amending)	1/2
R-2	015a	South Pacific proportional fares North American (amending)	3/1
R-3	015b	North and Central Pacific proportional fares North American (amending)	2/1

Accordingly, *it is ordered* That: 1. Agreement C.A.B. 26505, R-1 through R-3, be and hereby is approved subject to conditions previously imposed by the Board; and

2. Tariffs implementing Agreement C.A.B. 26505 may be filed on not less than one day's notice for effectiveness not earlier than April 1, 1977. The short notice authority in this paragraph expires May 1, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9803 Filed 3-31-77;8:45 am]

COMMITTEE ON CIVIL RIGHTS

CONNECTICUT ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER Friday, March 11, 1977, (FR Doc. 77-7175) on page 13573 is hereby amended. The meeting will be held on April 14, 1977 instead of April 7, 1977. The time and place of the meeting will remain the same.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9728 Filed 3-31-77;8:45 am]

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on April 21, 1977, at Estes Residence 944 9th Avenue, Des Moines, Iowa.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan activities for review of the CETA program in the Greater Des Moines area.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9729 Filed 3-31-77;8:45 am]

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on May 12, 1977, at Estes Residence 944 9th Avenue, Des Moines, Iowa.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan activities for review of the CETA program in the Greater Des Moines area.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9730 Filed 3-31-77;8:45 am]

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and end at 3 p.m. on May 16, 1977, at the Holiday Inn Downtown, Osage Room, 1050 6th Ave., Des Moines, Iowa 50314.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan the project activities scheduled in the State of Iowa.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Office.

[FR Doc.77-9731 Filed 3-31-77;8:45 am]

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on May 26, 1977, at Estes Residence 944 9th Avenue, Des Moines, Iowa.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan activities for review of the CETA program in the Greater Des Moines area.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9732 Filed 3-31-77;8:45 am]

MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene at 1 p.m. and end at 5 p.m. on April 21, 1977, at the Ramada Inn, 1100 Vandiver Drive, Columbia, Missouri 65201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to develop new project plans.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9733 Filed 3-31-77;8:45 am]

NEBRASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and will end at 1:30 p.m. on April 25, 1977, at Creighton University, Law School, 2500 California Street, Omaha, Nebraska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue new project planning, design and implementation.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-9734 Filed 3-31-77;8:45 am]

CIVIL SERVICE COMMISSION

ACTION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes Action to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director for Transition Planning.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9560 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Congressional Liaison, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9837 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, (State and Federal Relations).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9838 Filed 3-31-77;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant, Office of the Under Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9839 Filed 3-31-77;8:45 am]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Special Open Season

Notice is hereby given that pursuant to the authority contained in section 8913 of title 5, Chapter 89 of the United States Code and section 301(d)(2) of 5 CFR Part 890, the U.S. Civil Service Commission hereby announces that a special open season will be conducted for Federal employees and annuitants, to be held from May 15 to May 31, 1977. This special open season will be limited to Federal employees and annuitants living in the enrollment areas of comprehensive medical plans recently approved for participation in the Federal Employees Helath Benefits Program. These plans and their respective enrollment areas are as follows:

1. PENN GROUP HEALTH PLAN

Service and enrollment area. This plan is available to persons who live in Allegheny County and the western part of Westmoreland County, Pennsylvania.

2. CENTRAL MEDICAL HEALTH SERVICES, INC.

Service and enrollment area. This plan is available to persons who live in Allegheny County and its five contiguous counties, Armstrong, Beavers, Butler, Washington and Westmoreland, Pennsylvania.

3. PHILADELPHIA HEALTH PLAN

Service area. The service area emanates from the center of Philadelphia along a ten mile radius to encompass most of Philadelphia, parts of the Pennsylvania counties of Delaware and Montgomery, and parts of Camden, Burlington and Gloucester counties in New Jersey.

Enrollment area. The enrollment area is Philadelphia, Delaware, Montgomery, Bucks and Chester counties in Pennsylvania; and Camden, Gloucester and Burlington counties in New Jersey.

4. CHOICECARE HEALTH SERVICES, INC.

Service and enrollment area. The Service and Enrollment area of the plan is Larimer County, Colorado.

5. HEALTH SERVICE PLAN OF PENNSYLVANIA

Service and enrollment area. The Service Area of this Plan includes the County of Philadelphia and portions of the four adjacent counties of Southeastern Pennsylvania: Bucks, Montgomery, Chester and Delaware and portions of Gloucester, Camden and Burlington counties in New Jersey.

During the special open season, an eligible enrolled employee or annuitant may change his or her enrollment from the plan in which he or she is already enrolled to the newly approved plan. The election must be for the same type of coverage (self only or self and family) as the present enrollment, unless a change of type is otherwise authorized.

Change of enrollment during the special open season will take effect on the first day of the first pay period which begins after July 1, 1977.

Federal employees and annuitants may obtain further information from their respective payroll offices or by writing to the Comprehensive Health Plans Office, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

Dated: April 1, 1977.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-9836 Filed 3-31-77;8:45 am]

DEPARTMENT OF COMMERCE

National Fire Prevention and Control Administration

ADVISORY COMMITTEE ON FIRE TRAINING AND EDUCATION FOR NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

NAME: Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control (Committee).

DATE: April 25-26, 1977.

PLACE: Dogwood-B Room of the Ramada Inn, 1900 North Fort Myer Drive, Arlington, Virginia.

TIME: 9:00 a.m. to 5:30 p.m.

PROPOSED AGENDA: April 25, 1977: Review activities of last meeting; Committee and staff reports; Discussion of accreditation procedures. April 26, 1977: Identify accreditation options available; Assignment of subcommittees.

The Committee was authorized to be established by Section 7(k) of the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278f, 42 U.S.C. 290(a)) to inquire into and make recommendations regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role which the Academy should play if such a mechanism is recommended. The Committee, by law, consists of the Superintendent as Chairman and 18 members selected from among individuals and organizations possessing special knowledge and experience in the field of fire training and education or related fields to insure a balanced representation of interests.

The meeting will be open to the public with approximately 15 seats available on a first-come, first-served basis. If time permits, a period will be set aside for oral comments or questions by the public. Oral comments or questions shall be limited to 10 minutes per comment or question. More extensive questions or comments should be submitted in writing before May 27, 1977, and addressed to: Committee Control Officer, Jane Sornberger, Advisory Committee on Fire Training and Education, National Academy for Fire Prevention and Control, P.O. Box 19518, Washington, D.C. 20036.

Minutes of the meeting will be prepared by the Committee and will be available for public viewing in Room 214, National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. Copies of the minutes will be available upon request 30 days after the meeting.

The public may file written statements with the Committee concerning any matter pertaining to the Committee's responsibilities at any time before or after the meeting.

Dated: March 15, 1977.

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

[FR Doc.77-9823 Filed 3-31-77;8:45 am]

National Oceanic and Atmospheric Administration

FISHERMEN'S MARKETING ASSOCIATION

Notice of Issuance of General Permits

A General Permit was issued on March 14, 1977, to the Fishermen's Marketing Association of Washington, Seattle, Washington, to take marine mammals incidental to commercial fishing operations under category (i) Towed or Dragged Gear, pursuant to 50 CFR 216.24 (39 FR 32117-32124), as amended.

General Permits were issued on March 14, 1977, to the United Fishermen of Alaska, Juneau, Alaska, to take marine mammals incidental to commercial fishing operations under categories (iii) Encircling Gear, Seining Other Than Yellowfin Tuna; (iv) Stationary Gear; and (v) Other Gear, pursuant to 50 CFR 216.24 (39 FR 32117-32124), as amended.

The Permits are available for public inspection in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Dated: March 24, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-9694 Filed 3-31-77;8:45 am]

SOVRYBFLOT, MOSCOW U.S.S.R.

Receipt of Application for a General Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations thereunder.

Sovrybflot, Moscow, U.S.S.R., has applied for a general permit, Category 1, "Towed and Dragged Gear."

Copies of the application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 (tel. 907/586-7221).

Interested parties may submit written views on this application on or before May 2, 1977 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: March 28, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management National Marine Fisheries Service.

[FR Doc.77-9695 Filed 3-31-77;8:45 am]

AQUATIC MAMMALS ENTERPRISES

Issuance of Permit To Take Marine Mammals

On January 20, 1976, notice was published in the FEDERAL REGISTER (41 FR 2841), as amended on July 19, 1976 (41 FR 29378), that an application had been filed with the National Marine Fisheries Service by Aquatic Mammals Enterprises, 1025 Gibraltar, Key Largo, Florida 33037, for a permit to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on March 22, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking to Aquatic Mammals Enterprises, subject to certain conditions set forth herein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: March 22, 1977.

WINDRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-9696 Filed 3-31-77;8:45 am]

Office of the Secretary

NBS VISITING COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, and under the authority of, and as directed by statute, the Department of Commerce has authorized the renewal of the charter of the National Bureau of Standards Visiting Committee.

The NBS Visiting Committee was first established by section 10 of the act of March 3, 1901, which created the National Bureau of Standards. Its statutory purpose is to advise and report to the Secretary of Commerce upon the efficiency of the Bureau's scientific work and the condition of its equipment. The Committee's recommendations have significantly contributed to the overall operations of the institution.

As legally required, the Committee will continue with a balanced representation of five members prominent in the fields of science, engineering, or technology who are not in the employ of the U.S. Government. Balance on the Committee is achieved by maintaining representation from both the business and academic communities and by consideration of primary technical interest (e.g., physics, chemistry, engineering). The appointment of each member of the Committee is for five years, and the periods of service are so arranged that one member retires each year. The Chairman of the Committee is appointed by the Secretary of Commerce and is ordinarily the senior member in terms of service.

The NBS Visiting Committee is uniquely suited to evaluate overall operations and equipment of NBS from an external point of view and report to the Secretary of Commerce. Its function cannot be accomplished by any organizational element or other committee of the Department.

The Visiting Committee functions solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter have been filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Ms. Elaine D. Bunten, Office of the Associate Director for Programs, Administration Building, Room A-400, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234, telephone: 301-921-3591.

Dated: March 23, 1977.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.77-9697 Filed 3-31-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and ther Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received a proposal to add to the Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 4, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Comittee approves the proposed additions, all entities of the Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7105

Frame, Picture (GSA Regions 8, 9 and 10 only), 7105-00-053-0170, 7105-00-061-5834, 7105-00-052-8697, 7105-00-052-8695.

Class 6105

Cable Assembly, Power, 6150-00-935-8799, 6150-00-666-0045, 6150-00-117-8867, 6150-00-666-0041.

Class 9905

Sign Kit, Vehicle, 9905-00-565-6267.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-9758 Filed 3-31-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1977 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 4, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following commodities from Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 8440

Neckties, 8440-00-926-6604, 8440-00-926-4933, 8440-00-426-1999.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-9760 Filed 3-31-77;8:45 am]

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 1, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 3, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 64) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of all the relevant data presented, the Committee has determined that the commodity listed below is suitable for procurement by the Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1977:

Class 6645

Clock, Wall, 6645-00-935-4243.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-9759 Filed 3-31-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACTS OF ALASKA NATURAL GAS TRANSPORTATION SYSTEM ALTERNATIVES

Public Hearing

To be held under the Alaska Natural Gas Transportation Act, P.L. 94-586;

May 16-17 Anchorage, Alaska.
May 23-24 Washington, D.C.

BACKGROUND

Since the discovery of large reserves of natural gas in the Prudhoe Bay fields in Alaska, several routes have been proposed to transport this gas to the lower 48 states. The Arctic Gas pipeline system would traverse Alaska's North Slope, crossing into Canada at the MacKenzie River Delta and running along the river into the Midwest states. The El Paso Alaska system would follow the oil pipeline to Prince William Sound and then transport liquefied natural gas by tanker to southern California. Also paralleling the oil pipeline to Fairbanks, the Alcan Pipeline system would then cross into Canada, with some gas routed in the West Coast through British Columbia, and most going through Alberta and Saskatchewan to eastern and midwestern U.S. markets.

A final environmental impact statement was prepared by the Federal Power Commission for all three proposals, and administrative hearings were held by the Commission in 1976. A final recommendation by the FPC is due on May 1, 1977.

Recognizing an urgent national need for additional natural gas supplies, Congress enacted the Alaska Natural Gas Transportation Act of 1976 to provide the means for a sound and expeditiouus decision by the President and Congress on which, if any, transportation system should be authorized.

To speed the decision-making process, the Act precludes judicial review of the environmental impact statements required by the National Environmental Policy Act. The Council on Environmental Quality, however, must present to the President its views of the legal and factual sufficiency of environmental impact statements prepared for the pipeline proposals, and may also report on other matters related to environmental impacts.

THE HEARINGS

An important part of CEQ's responsibilities under the Act is to obtain public views, data, and arguments on these issues. To afford interested members of the public an opportunity to present this information, the Council will hold public hearings in Anchorage, Alaska and Washington, D.C.

The Anchorage hearing will be held at the Anchorage Westward Hotel on May 16-17. The hearing in Washington will be held on May 23-24 in the auditorium of the General Services Administration building. At both hearings testimony will be heard by Council Members and staff.

Individuals or groups interested in testifying should notify the Council in writing at the earliest possible date. Written intent to testify should be mailed to Alaska Hearings, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

Statements of intent must be received by May 1. Further information will be made available to those interested in testifying or attending.

Witnesses may be asked to limit their remarks, although more detailed statements may be submitted for the record. Individuals unable to attend may submit written statements. If possible, statements should be submitted by May 9 to allow their distribution to panel members. In any case, the hearing record will close on May 27.

Wherever possible, the Council encourages individuals and groups sharing similar interests and views to coordinate their testimony and designate representatives to present testimony as a panel.

Both hearings will be open to the public and the press, and all proceedings will be recorded. The results of the hearings will be incorporated into CEQ's report to the President.

THE ISSUES

The hearings will primarily be concerned with the adequacy of the environmental impact statements prepared for the three proposals. Assessment will focus on the following questions:

Are all reasonable alternatives considered in the EIS's? How well are the impacts of alternatives compared?

Does EIS analysis address significant local, regional, and national impacts over three time periods: construction, operation, and, if significant, for a longer time thereafter?

Is analysis of impacts adequately supported by descriptive material? Are analytic methods accurate and supportable?

Are proposed measures to mitigate adverse impacts adequate? Is sufficient provision made for procedures to ensure that mitigating measures are followed?

Testimony may also address the Federal Power Commissioners' recommendation to the President and how well that decision in supported by the EIS's.

The most important impacts associated with the gas transportation systems are likely to be those described below. While the hearings will focus on these major issues, members of the public may address any other environmental questions of concern to them, as well as any other matter they consider appropriately within the scope of the Council's purview.

Impacts Caused by Pipeline Design and Construction Techniques, including effects of the new "chilled" pipeline on permafrost, geology, soils; construction schedules and impacts on water resources (from pipeline testing), vegetation and wildlife.

Impacts of LNG Systems on Health, Safety and the Environment, including risks of failures in LNG transport and storage, reliability problems, effluent discharge in Alaska and California.

Impacts on Environmentally Sensitive Ecosystems and on Wildlife, including effects on permafrost ecosystems, other unique and fragile systems, endangered species and other wildlife.

Impacts on Public Land Policies in Alaska, including effects on Arctic Wildlife Range from Arctic Gas system and policy precedents set, effects on Chugach National Forest from the El Paso System, and effects on future national forests, parks and wildlife areas that may be established by the Federal government.

Impacts on Short and Long-Range Growth in Alaska, including effects of alternatives on employment, community life, energy supply, local and state public services, land use changes induced, inducements to mineral and timber development. Also to be considered are impacts on Alaskan natives and the potential for "boom and bust" development.

Impacts of Pipeline Alternatives on Canada, including effects on native claims, other socioeconomic impacts, effects on wildlife, energy development.

Impacts on Regional and National Energy Policies, including effects on oil and gas development in other parts of Alaska (Naval Petroleum Reserve No. 4, Arctic Wildlife Range, offshore areas),

and effects of pipelines through the lower 48 states on coal gasification. Differences in impacts on energy availability in the Midwest, West and South should be specifically analyzed.

Net National Economic Impacts of Alternative Proposals, including impacts on national employment and productivity.

CHARLES WARREN,
Chairman.

[FR Doc.77-9815 Filed 3-31-77;8:45 am]

ENVIRONMENAL IMPACT STATEMENTS

March 21 Through March 25, 1977

The following is a list of environmental impact statements received by the Council on Environmental Quality from March 21 through March 25, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (May 16, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202)-447-6827.

FOREST SERVICE

Draft

Western Spruce Budworm Management Plan, March 21: Proposed is the management of western spruce budworm on 987,319 acres out of a total infestation of 3,151,985 acres. The preferred method of treatment is long-term silvicultural management on 934,019 acres and short-term aerial application of carbaryl (Sevin-4-oil) on 53,300 acres in the spring and summer of 1977. The application of Sevin will result in decline of population of some soil-inhabiting invertebrates, destruction of beneficial insect populations, and the elimination of honeybees in the treated areas. (ELR Order No. 70360.)

Chugach Moose Fire Management Program, Alaska, March 22: Proposed is the treatment by prescribed burning, over a 10-year period beginning in 1977, of a total of about 22,000 acres of land at 139 sites. The purpose is to improve vegetation for use as forage by Alaskan moose on the National Forest portion of the Kenai Peninsula in southcentral Alaska. Prescribed fire will be used in a planned, controlled, natural way to increase moose populations as past wildfires have done by accident. Adverse impacts may occur as a result of changes in vegetation decreased older forest wildlife populations, temporary reduction in air quality, and wildfire hazard. (ELR Order No. 70374.)

Sierra Ski Ranch, Eldorado National Forest, El Dorado County, Calif., March 23: Proposed is the expansion of a ski area near Echo Summit in the Eldorado National Forest. The area is located in El Dorado County, California, and is accessible by U.S. Highway 50. Ultimate development, as proposed by the permittee, would include: 14 chair lifts, maximum capacity of about 9,500 people at one time, 176 acres of ski runs, 2 day lodges, 1 warming hut, parking for 3,000 cars, and associated facilities such as sewage disposal system, water supply, and maintenance buildings. (ELR Order No. 70380.)

Red River Ski Area Expansion, N. Mex., March 22: Proposed is the further development of Red River Ski Area in Red River, New Mexico. The statement discusses three alternatives for expanding ski facilities, and describes the associated impacts. The resort is located on Carson National Forest lands, where a special permit for recreational has been granted. (ELC Order No. 70371.)

Final

Marys Peak Unit, Siuslaw National Forest, Benton and Polk Counties, Oreg., March 22: This statement discusses land use alternatives for the selection of a land use plan for 16,556 acres in the Marys Peak Subunit located in Benton County, and 1,160 acres in the Dallas Watershed Subunit located in Polk County, Oregon. These subunits compose Siuslaw National Forest Planning Unit Number Two. Adverse effects include soil disturbance caused by timber harvesting, and increases in noise and air pollution levels. Comments made by EPA, DOI, HUD, USDA, NASA, and State and local agencies, and concerned citizens. (ELR Order No. 70382.)

Black Hills National Forest Timber Management, Wyoming, and South Dakota, March 23: This statement proposes the revision of the FY 1963-1973 Timber Management Plan (extended to June 1977) for the Black Hills National Forest in Western South Dakota and Northeastern Wyoming. The revision is for the ten years from 1977-1986. The proposed action would apply silvicultural treatment to 39,000 acres and construct and/or improve 80 miles of road and travelways annually. In addition, 161 miles of travelways will be closed and obliterated annually, resulting in an overall reduction of 81 miles of travelways. Environmental impacts of the proposed plan are the cutting of trees and the construction and/or improvement of roads. Comments made by: AHP, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 70381.)

RURAL ELECTRIFICATION ADMINISTRATION

Supplement

Underwood Generating Station (S-2), North Dakota, and Minnesota, March 21: This statement supplements a final EIS filed with CEQ in September, 1974. The proposed action is the construction of the Underwood Generating Station. The project includes two 450 magawatt steam electric generating units, 439 miles of 400 kV transmission lines, 102 miles of 345 kV transmission line, and 12.5 miles of 230 kV transmission line. The supplement describes certain differences in transmission routing in North Dakota. Counties affected by the routing changes are McLean, Burleigh, Kidder, Stutsman, LaMoure, Ransom, Sargent, and Richland. (ELR Order No. 70357.)

SOIL CONSERVATION SERVICE

Final

Little Cache Creek Watershed, Johnson County, Ill., March 21: Proposed is the implementation of a project for watershed protection, flood prevention, and non-agricultural water management in Johnson County, Illinois. This project became effective on December 19, 1963, with conservation land treatment measures having been installed on 75 percent of the land to date. Works of improvement remaining to be installed include 5.1 miles of enlarging existing man-modified perennial streams and a recreational development at structure 12. Adverse effects include temporary increase in stream pollutants, and displacement of the fish population. Comments made by: USDA, USA, HEW, DOI, DOT, and EPA. (ELR Order No. 70362.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Col. Charles Sell, Chief, Environmental Office, Department of the Army, Room 1E673, Pentagon Chief of Staff, Washington, D.C. 20310, 202-694-4269.

Supplement

Toxic Residue Disposal, West Granite Area (S-1), Utah, March 24: This statement supplements a final EIS filed with CEQ in February, 1976, and relates to toxic residue disposal at West Granite Disposal Area, Dugway Proving Ground. The supplement presents the program for detoxifying the chemical agent GB contained in approximately 1515 M139 and eight E139 bomblets at the Tower Grid holding area of Dugway Proving Ground. The proposed method consists of chemically neutralizing the GB agent by adding sodium hydroxide solution to cover bomblets in steel containment tanks. This solution digests the aluminum bomblet shell and then reacts with and detoxifies the GB. (ELR Order No. 70383.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-2186.

Final

Knoxville International Energy Exposition, Tennessee, March 25: The proposed action is the official recognition of an international exposition themed to energy. This exposition is proposed to be held in the City of Knoxville from May to October in 1982. The purpose of the Exposition is to offer to the citizens of the world a greater comprehension of the effective use of energy and energy resources in the physical field and a more discriminating appreciation of the creative energy in the artistic field. Adverse environmental impacts may include the displacement of the current residents and businesses on the proposed site, and disruption of their lives, lifestyles, and activities. Comments made by: CEQ, DOT, USCG, EPA, HEW, TREA, DOC, COE, USDA, AHP, and State and local agencies, and concerned groups and persons. (ELR order No. 70386.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Project STORMFURY—Atlantic, 1977, March 22: Proposed is the seeding of one hurricane in 1977 in the Atlantic during the period August 15-October 15. The primary goal of this project is to test the hypothesis that the maximum winds in hurricanes can be reduced by at least 10 to 15 percent by seeding the proper cloud in specified portions of the storms with freezing nuclei (silver iodide). Impacts of the project will result from the dropping of 3 types of devices from aircraft during the seeding mission: silver iodide flares for hurricane modification; windsondes for measurement of wind, temperature, humidity and pressure; and bathythermographs for sea temperature measurement. (ELR Order No. 70373.)

Final

Oregon Coastal Management Program, March 25: Proposed is the approval of the Coastal Management Program of the State of Oregon. The program will provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest. Approval

and implementation of the program will restrict or prohibit land and water uses in certain parts of the Oregon coast, while promoting and encouraging development and use activities in other parts. Comments made by: USDA, RC 2, DJUS, ERDA, FEA, NASA, and State and local agencies, and concerned groups and persons. (ELR Order No. 70387.)

DEPARTMENT OF DEFENSE

U.S. CORPS OF ENGINEERS

Contract: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

Cambridge Harbor, Channel and Turning Basin (2), Dorchester County, Md., March 21: The proposed action is the maintenance dredging of the approach channel in Choptank River and Cambridge Creek at the Port of Cambridge in Maryland. The project consists of maintaining a channel 150 feet wide and 25 feet deep and widening the triangular turning basin to 1,400 feet long, 825 feet wide, and 25 feet deep. Approximately 92,000 cubic yards of silty-clay will be removed by hydraulic dredging and pumped to an upland disposal site in Talbot County. Adverse effects include reduction in dissolved oxygen concentration, and destruction of non-motile benthic organisms in the area. (Baltimore District.) (ELR Order No. 70368.)

Muskingum R. Basin, Water Resources Development (2), Ohio, March 22: The proposed interim plan of improvement consists of two components: a Local Protection Project at Killbuck, Ohio, consisting of a levee-flood wall 7,000 feet in length and day use recreation; and a Local Protection Project at Mansfield, Ohio, to include modification of the existing channel of Rocky Fork and Touby Run for a total distance of 12,040 feet and day use recreation. The Killbuck project will require the removal of all stream terrace vegetation and associated wildlife habitat along the project alignment. The Mansfield project will cause the loss of the natural stream in sections. (Huntington District.) (ELR Order No. 70375.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

El Paso & Teller Co. Water Quality Plan, El Paso and Teller Counties, Colo., March 25: Proposed is a Water Quality Management Plan for El Paso and Teller Counties, Colorado. The plan makes recommendations regarding stream classifications and criteria, wastewater treatment facility needs, and the regulatory/fiscal/institutional programs to implement the plan. The management plan is based on a projected population for the urbanizing area of 550,000 by the year 2000, and addresses the problems of both point and nonpoint sources of water pollution in the two-county area. Natural ecologic systems and open space will be impacted. (Region VIII.) (ELR Order No. 70389.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-275-4791.

Final

Bad Creek Pumped Storage Project, South Carolina, March 22: Proposed is the licensing of Duke Power Co. for the construction, operation, and maintenance of a pumped storage project to be located on Bad Creek and West Bad Creek in Oconee County, South Carolina. The project would consist of a 318-acre upper reservoir, a 1.25-mile underground power tunnel, and a 1,000 MW underground powerhouse complex with 4 reversible pump turbine units, and would discharge into the existing 7565-acre lower reservoir, Lake Jocasses. Adverse impacts include clearing of 505 acres of land, elimination of 2.3 miles of trout stream, and disruption of about 315 acres of land. Comments made by: DOI, HEW, COE, USDA, EPA, NRC, TVA, and State and local agencies, and concerned citizens. (ELR Order No. 70372.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Amberly Subdivision, DeKalb County, Ga., March 21: The proposed project consists of the development of 2 subdivisions, Amberly and Amberly East, approximately 4.5 miles from Stone Mountain, Georgia. The plan calls for land uses of 648 single-family detached units, on 283.04 acres and a flood plain of 25.5 acres. Completion of the project will result in increased pressure on community services and noise pollution. (ELR Order No. 70358.)

The Colonies Project, Texas, Harris County, Tex., March 21: Proposed is the development of the Colonies Project in Harris County, Texas. The planned community will be composed of single-family homes, apartments, patio homes, and townhomes, to accommodate a population of approximately 9500 people. Adverse impacts include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 70363.)

Big Country Subdivision, San Antonio; Bexar County, Tex, March 21: Proposed is the acceptance, for HUD home mortgage insurance purposes, of the 764-acre Big Country Subdivision, located 15 miles west of San Antonio, Texas The project will provide 2,500 single family residential homes and 1,400 multifamily units for middle and upper income bracket families. Plans include a 10-acre elementary school site, 60 acres of commercial development, and 148 acres of park, drainage and recreational uses. The primary adverse impact associated with the project is due to the fact that it is not directly adjacent to any built-up sections of San Antonio. (ELR Order No. 70365.)

Golf Resort Joint Venture, Texas, El Paso County, Tex., March 22: The proposed action is for the Department of HUD to accept for HUD/FHA insurance purposes the 1500 acre Golf Resort Joint Venture project. The project site is located near the southeast limits of the City of El Paso above and adjacent to Interstate 10. Over 600 acres will be devoted to single family housing with approximately 280 acres for various commercial development. A small amount of duplex and apartments will be joined by land devoted to industrial, school, park, and ponding areas. (ELR Order No. 70370.)

Pebble Hills Addition, Leavell Development, El Paso County, Tex., March 22: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 538 acre Pebble Hills Addition of the Leavell Development. The project site is located in the extreme northeastern most edge of the City of El Paso, Texas, adjacent to U.S. Highway 62 and 180. When completed, this project will involve a total of 1,600 units developed primarily as single-family residential. Adverse effects relate directly to the El Paso International Airport noise contours, and the Archaeological survey which reports two significant concentrations of cultural material in the development area. (ELR Order No. 70378.)

Final

Trailwood Addition Subdivision, Grand Prairie, Dallas County, Tex., March 21: The proposed action is construction of the Trailwood Addition Subdivision in Grand Prairie, Tex., a community of 63,000 inhabitants. The 548-acres project consists of the construction of 1,495 homes with acreage allocated for apartments, small commercial enterprises, parks, schools, and office buildings. This development would result in greater demand for fossil fuels for transportation, loss of good agricultural land, and strain on existing local facilities. Comments made by: HUD, USDA, AHP, EPA, DOI, COE, State and local agencies concerned citizens. (ELR Order No. 70359.)

SECTION 104(h)

Draft

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

DeKalb Co., Tenn., 3d year Water Line, DeKalb County Tenn., March 21: Proposed is the installation of 18 miles of 6-inch, 4-inch, and 2-inch plastic potable water line in DeKalb County, Tenn. The project will provide potable water for 135 rural families who have been consuming well water that stands an 80 percent chance of being polluted. Water will also be available in adequate amounts for firefighting purposes. Temporary construction related impacts are expected. (ELR Order No. 70364.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BONNEVILLE POWER ADMINISTRATION

Supplement

Ellensburg Service, BPA fiscal year 1978 (S-1), Kittitas County, Wash., March 22: Proposed is the construction of transmission facilities to provide for increasing electrical loads in the Ellensburg Service Area. The alternatives involve the construction of between 2 and 4 miles of new 115 kV transmission line and the addition of a new 115-12.5 kV substation. Depending on the final route location chosen, between 2 and 3 acres of new right-of-way would be required for the line. Disturbances to agricultural lands would occur. (ELR Order No. 70376.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Technical Studies Branch, 200 Constitution Avenue, Room N3669, Washington, D.C. 20210, 202-523-7076.

Final

Standards Completion Project, March 24: The Occupational Safety and Health Administration proposes to regulate employee exposure to nearly 350 toxic substances currently found in Table Z-1, Z-2, and Z-3 of 29 CFR 1910.1000. The purpose of these regulations is to reduce the risk of work-related injuries and illnesses due to exposure to toxic substances. The statement indicates no major significant impact is expected on the environment external to the workplace as a result of the promulgation of standards. Comments made by: USDA, USA, USAF,

ERDA, DOI, DOC, concerned groups and persons. (ELR Order No. 70385.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-443-6965.

Draft

Shoreham Nuclear Power Station, Unit 1, Suffolk County, N.Y., March 24: The proposed action is the issuance of an operating license to the Long Island Lighting Company (LILCO) for the start up and operation of the Shoreham Nuclear Power Station, Unit 1, on a 880-acre site in Brookhaven, New York. The unit will have a net capacity of 820 MWe and will be cooled by a once-through flow of water from the Long Island Sound. Adverse effects include the clearing of 100 acres of woods; impacts to fish due to the high water flow velocities in the intake canal; thermal stress on marine biota; and the risks associated with radiation exposure. (ELR Order No. 70384.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tenn. 37401, 615-755-3161.

Draft

West Point-Miller, 500-kV Transmission Lines, Mississippi and Alabama, March 21: Proposed is the construction and operation of a 500-kV transmission line interconnecting the TVA and Alabama Power Company Systems in Mississippi and Alabama. The project will provide intersystem transmission capacity neceary to maintain adequate reliability margins, improve operating stability, reduce power losses, and on an intersystem basis facilitate reciprocal emergency assistance including short-term and diversity power and energy sales. The major adverse effect is clearing of 1,469 acres of woodland with the resulting loss of animal habitat and timber resources. (ELR Order No. 70367.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Marvin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Asheville Airport Expansion, Buncombe County, N.C., March 25: Proposed is the expansion and improvement of Asheville Airport in Asheville, N.C. The proposed project calls for the construction of a 1,500-ft. runway and parallel taxiway extension on the north end of the existing 6,500-ft. runway, and the following associated items: land acquisition for a runway and parallel taxiway extension; construction and lighting of the 150-ft. X 1,500-ft. runway and parallel taxiway extension; and construction of a glide slope and localizer site. The VASO-4 will be relocated on Runway 1. (ELR Order No. 70388.)

Final

Vernal Airport, Utah, Uintah County, Utah, March 21: Proposed is the approval of a development project at Vernal Airport to construct new and resurface old runways and taxiways, to acquire easements, and to install visual approach slope indicators. Public controversy surrounds the project. Adverse effects include short-term pollution during construction operations, increased noise levels at 9 public gathering places, and increased use of electrical energy. Comments made by: EPA, USDA, COE, HEW, DOI, DOT2, FEA, State and local agencies concerned citizens. (ELR Order No. 70369.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-77-U.S. 74 Connector, Charlotte and Mecklenburg Counties, N.C., March 21: Proposed is the construction of a multi-lane freeway between I-77 and U.S. 74 south of Charlotte, N.C. The 14-mile project is the initial section of the outer circumferential route around Charlotte included in the Charlotte-Mecklenburg Comprehensive Plan. No significant detrimental air quality impacts are expected to occur, and noise impacts will be limited to a relatively small number of structures adjacent to the proposed action. (Region 4.) (ELR Order No. 70366.)

Final

U.S. 2 Bypass of Bemidji, Beltrami County, Minn., March 22: Proposed is the construction of 9 miles of U.S. 2 on new location in Beltrami County. The project would extend from the junction with U.S. 71 approximately 1 mile west of Bemidji, around the west and south of Bemidji, to a junction with inplace U.S. 2 approximately 3 miles southeast of Bemidji (the Bemidji bypass). Major adverse impacts will be increased noise, loss of 335 acres of pastureland, relocation of eight families and three businesses, temporary water degradation and seasonal water pollution due to highway runoff. (Region 5.) Comments made by: DOT, DOI, EPA, COE, USDA, AHP, State and local agencies, concerned citizens. (ELR Order No. 70377.)

U.S. 395 Corridor, Nevada, Washoe County, Nev., March 23: Proposed is the upgrading of U.S. 395 to freeway standards in Washoe County, Nevada. The project would consist of a freeway facility 3.5 miles long and a temporary facility 0.7 mile long between Glendale Avenue and South Virginia Street in Reno. Adverse effects include relocation of 102 residences, visual disruption, and slight increases in carbon monoxide levels along the freeway. (Region 9.) Comments made by: COE, HEW, EPA, DOI, USDA, State and local agencies, concerned citizens. (ELR Order No. 70379.)

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Contact: Mr. Richard C. Carter or Mr. John M. Machey, Office of Automotive Fuel Economy, 755-9384.

Draft

Passenger Auto Average Fuel Economy, March 25: Proposed is the establishment of Average Fuel Economy Standards for passenger automobiles which are manufactured in model years 1981 through 1984. The term "passenger automobile" means any automobile which the Secretary determines, by rule, is manufactured primarily for use in the transportation of not more than 10 individuals. Included in this proposal are large station wagons which exceed 6,000 pounds gross weight, but do not exceed 10,000 pounds gross vehicle weight. Fuel economy will be determined in accordance with procedures established by the EPA. (ELR Order No. 70390.)

Vehicle Occupant Crash Protection (2), March 25: This statement is a modification of a draft EIS filed with CEQ in July, 1976. Proposed are three alternative actions to protect motor vehicle occupants from death or injury resulting from traffic accidents. These proposals are (1) to continue the existing version of Federal Motor Vehicle Safety Standard 208 which requires either seat belts, or passive restraints, or a combination of the two; (2) to require States to take action to increase seat belt use or; (3) to require that manufacturers provide passive restraints on all cars. (ELR Order No. 70391.)

NICHOLAS C. YOST,
General Counsel.

[FR Doc.77-9850 Filed 3-31-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

CHEMICAL PROPULSION ADVISORY COMMITTEE (MONOPROPELLANT WORKING GROUP)

Meeting

MARCH 21, 1977.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following committee meeting.

Name: Department of Defense Chemical Propulsion Advisory Committee (Monopropellant Working Group).

Date: April 20-21, 1977.

Place: Essex House Motel, 44916 N. 10th St. West, Lancaster, CA.

Time: Initial meeting 8:30 am, April 20.

Proposed Agenda: Not yet finalized but restricted to subcommittee reports on progress towards identified goals of the Advisory Working Group.

Purpose of the Meeting: The working group will review the progress of the individual subcommittees on assigned tasks of monopropellant technology since the last semiannual meeting. The committee will also discuss technical problems identified by the attending engineers and program managers.

Meeting of the Advisory Working Group is open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Working Group chairman, in writing at least five (5) days prior to the meeting of their intention to attend.

Any member of the public may file a written statement with the Working Group chairman before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentation of oral statements at the meeting.

All communication regarding this Advisory Working Group should be addressed to Mr. F. S. Forbes, Chairman, AFRPL/LKDP, Edwards, CA 93523.

F. S. FORBES,
Chairman, JANNAF Monopropellant Working Group.

[FR Doc.77-9757 Filed 3-31-77;8:45 am]

Office of the Secretary

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting; Addendum

In 42 FR 15456, March 22, 1977, a Notice of an Open Meeting for April 15, 1976 was published. The agenda was to be devoted to the consideration of policy

for immunization of Armed Forces personnel against smallpox. A decision has been made to add the following subject to the agenda for consideration: Policy for use of Venezuelan Equine Encephalitis vaccine.

Dated. March 30, 1977.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc.77-9907 Filed 3-31-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

STUDY GROUP ON GLOBAL ENVIRONMENTAL EFFECTS OF CARBON DIOXIDE

Meeting

In accordance with provisions of Pub. L. 92-463 (Federal Advisory Committee Act), the Study Group on Global Environmental Effects of Carbon Dioxide will hold its third meeting on Saturday, April 30, 1977, from 9:45 a.m. to 4:00 p.m. at the Delta Airport Group Room 7, Atlanta, Georgia Airport. This meeting will be open to the public. The purpose of the meeting will be to review progress to date, discuss reports from the Miami Beach Workshop, and discuss a report on the SCOPE meeting on Biogeochemical Cycling of Carbon, Hamburg, Germany, March 21-26.

The tentative agenda for the meeting is as follows:

9:45 a.m.	Opening Remarks, Alvin Weinberg, Chairman.
10 a.m.	Review of general progress.
11 a.m.	Review and discussions of Miami Beach Workshop.
12 m.	Lunch.
1 p.m.	Continue discussion of Miami Beach Workshop.
2 p.m.	Report of SCOPE meeting in Hamburg and continued discussion of plans for attacking CO_2 problem.
4 p.m.	Adjournment.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than April 15, 1977, to Dr. James L. Liverman, Director, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on April 27, 1977, to Mr. David H. Slade, Deputy Manager, Environmental Programs, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration on (301) 353-4374, between 8:30 a.m. and 5:00 p.m. e.s.t.

(c) Questions at the meeting may be propounded only by members of the Committee and ERDA officials assigned to participate with the Committee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act at the U.S. Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory
Committee Management Officer.

[FR Doc.77-9906 Filed 3-31-77;8:45 am]

REVIEW OF ADVISORY COMMITTEES

MARCH 30, 1977.

The Energy Research and Development Administration is conducting a comprehensive review of its advisory committees, in accordance with OMB Circular No. A-63, Transmittal Memorandum No. 5., and public comment is requested.

All agencies have been directed to conduct this review for each committee to determine (a) whether such committee is carrying out its purpose; (b) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised; (c) whether it should be merged with other advisory committees; or (d) whether it should be abolished.

The ERDA is now in the process of conducting this review for the following advisory committees:

Advisory Committee on Geothermal Energy
Committee of Senior Reviewers
Environmental Advisory Committee
General Advisory Committee
General Technical Advisory Committee
High Energy Physics Advisory Panel
Historical Advisory Committee
Lignite Advisory Committee
Liquid Metal Fast Breeder Reactor Steering Committee
Personnel Security Review Board Panel
Procurement Policy Advisory Committee
Study Group on Global Environmental Effects of Carbon Dioxide
University Programs Advisory Panel

The ERDA is required to complete its review and submit its determination to the Office of Management and Budget by April 15, 1977. Therefore, any public comments and recommendations should be provided to ERDA not later than April 8, 1977. Interested persons should direct their comments in writing to Harry L. Peebles, Deputy Advisory Committee Management Officer, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

HARRY L. PEEBLES,
Deputy Advisory Committee
Management Officer.

[FR Doc.77-9952 Filed 3-31-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 706-7]

REGULATIONS OF FUELS AND FUEL ADDITIVES

Gasoline Refiners: March 31, 1977 and April 30, 1977 Lead Phase-Down Submittals

Notice is hereby given by the Environmental Protection Agency (EPA) to any refiner operating at least one small refinery (less than or equal to 30,000 bbl/d crude capacity), as of October 1, 1976, in regard to the March 31, 1977, and April 30, 1977, submittals under 40 CFR 80.20(a) (4) (ii) and (v) respectively.

Enforcement against any refiner for failure to comply with § 80.20(a) (4) (v) with respect to a small refinery, will be suspended until 90 days after final promulgation of the Proposed Small Refiner Amendments (42 FR 3183, January 17, 1977), by which time the information must be submitted. EPA will not enforce the 0.8 gram per gallon (gpg) January 1, 1978, standard with respect to a small refinery whose plan pursuant to § 80.20(a) (4) (ii) is submitted after April 30, 1977, so long as the information is submitted within 90 days after promulgation of the Proposed Small Refiner Amendments (42 FR 3183, January 17, 1977), and all other suspension criteria are met. This delay is accorded small refineries while EPA completes its evaluation of separate treatment for the small refiner or small refinery.

A number of inquiries have been received concerning the March 31, 1977, reporting date included in the Proposed Small Refiner Amendments (42 FR 3183, January 17, 1977), by which time small refiners would have been required to inform the Administrator in writing of their intent to either meet the required 1.0 gpg lead pool average by October 1, 1979, or to withdraw from the gasoline production business. This date (March 31, 1977) is a proposed reporting date which will be modified during final promulgation. Submissions, indicating a small refiners' intent to meet the 1.0 gpg standard or withdraw from gasoline production, are not requested prior to the completion of EPA evaluations and final regulation promulgation.

Dated: March 25, 1977.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

[FR Doc.77-9689 Filed 3-31-77;8:45 am]

[FRL 706-8]

SCIENCE ADVISORY BOARD, ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the Environmental Health Advisory Committee of the Science Advisory Board will be held on April 19 and 20, 1977 in Conference Room 4022, Federal Office Building, 550 Main Street, Cincinnati, Ohio. The meeting will start at 9 a.m. on April 19, 1977.

The purpose of the meeting will be (1) to acquaint the members with the programs, facilities, and personnel of EPA's Health Effects Research Laboratory located in Cincinnati; (2) to hear and consider a report of the Study Group on Mutagenicity Testing which reviewed the scientific aspects of draft EPA Guidelines for the registration of pesticides relating to mutagenicity testing; (3) to be briefed on and to discuss certain scientific issues relating to the development of tolerances for pesticides; and (4) to hear brief progress reports of the Committee's Subcommittee and Study Groups. The Agenda will also include (5) brief reports and informational items of current interest to the members.

Item (1) as stated above is planned for April 19 and for the afternoon of April 20; the other items are planned for the morning of April 20.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by C.O.B. April 14, 1977. Please call Mrs. Ilene F. Stein on (703) 557-7720.

LLOYD T. TAYLOR,
Acting Staff Director,
Science Advisory Board.

MARCH 25, 1977.

[FR Doc.77-9681 Filed 3-31-77;8:45 am]

WATER QUALITY MANAGEMENT PLAN; EL PASO AND TELLER COUNTIES; COLO.

[FRL 708-3]

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Water Quality Management Plan, El Paso and Teller Counties, Colorado.

The proposed action, pursuant to EPA's policies, guidelines and regulations under section 208 of the Federal Water Pollution Control Act, is the EPA approval, conditional approval or disapproval of the proposed Water Quality Management Plan for El Paso and Teller Counties in Colorado. The DEIS consists of a short summary document which discusses the significant environmental issues addressed in the Water Quality Management Plan and EPA's recommended course of action.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on April 1, 1977. In accordance with CEQ's notice of availability, comments are due on May 16, 1977. Copies of the DEIS are available for review and comment from: Mr. Terry Anderson, Environmental Protection Agency, Region 8, 1860 Lincoln Street, Denver, Colorado 80203 (telephone 303-837-2721).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region 8 Library, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Pikes Peak Area Council of Governments, 27 East Vermijo Street, Colorado Springs, Colorado.

Information copies of the DEIS are available at cost (10¢/page) from the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036. Please reference ELR No. 70389.

Copies of the DEIS have been sent to various Federal, State and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: March 28, 1977.

JOSEPH MCCAKE,
Acting Director,
Office of Federal Activities.

[FR Doc.77-9869 Filed 3-31-77;8:45 am]

FARM CREDIT ADMINISTRATION

[FCA Order No. 800]

DEPUTY GOVERNOR, CREDIT AND OPERATIONS, ET AL.

Authority Delegations

MARCH 25, 1977.

Authority of the deputy governor, credit and operations, and order of precedence of certain officers to act as Deputy Governor, Credit and Operations (revocation of FCA order No. 794).

1. The Deputy Governor, Credit and Operations, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit and operations functions of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor, Credit and Operations, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, power, authority, and duties of the Deputy Governor, Credit and Operations, pertaining to the credit and operations functions:

(1) Director, Supervisory Division
(2) Director, Review Division
(3) Assistant Director, Western Region, Supervisory Division
(4) Assistant Director, Eastern Region, Supervisory Division
(5) Assistant Director, Technical Services, Supervisory Division
(6) Assistant Director, Central Region, Supervisory Division

3. This order shall be effective on March 25, 1977, and revokes Farm Credit Administration Order No. 794, dated September 21, 1976 (41 FR 42227).

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77-9701 Filed 3-31-77;8:45 am]

[FCA Order No. 801]

SECRETARY TO GOVERNOR, ET AL.

Authority Delegations

MARCH 25, 1977.

Authorization of the secretary to the Governor, secretary and legal assistant, and secretary, to authenticate documents, certify official records, and affix seal.

1. Barbara A. McKeever, Secretary to the Governor, P. Patricia Bonnefond, Secretary and Legal Assistant, and Barbara V. Mitchell, Secretary, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective March 25, 1977, and on that date shall supersede Farm Credit Administration Order No. 795, dated September 30, 1976, 41 FR 44070.

DONALD E. WILKINSON,
Governor, Farm
Credit Administration.

[FR Doc.77-9702 Filed 3-31-77; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21167; 21168]

MICROBAND CORPORATION OF AMERICA AND TEKKOM, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 7, 1977.

Released: March 28, 1977.

In re applications of Microband Corporation of America and Tekkom, Inc. For Construction Permits in the Multipoint Distribution Service for a new station at San Diego, California, Docket No. 21167, File No. 896-CM-P-72; Docket No. 21168, File No. 1985-CM-P-72.

1. The Commission has before it the above-referenced applications [1] of Microband Corporation of America (Microband), filed on August 19, 1971 and Tekkom, Inc. (Tekkom), filed on October 7, 1971. Both applications propose Channel 1 operation in the San Diego, California area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications remain to be acted upon.[2]

2. Microband holds MDS licenses in thirteen cities, including Washington, D.C. and has been granted construction permits in various other cities. Tekkom is an MDS licensee in Las Vegas, Nevada and has an interest in the construction permittee in Salt Lake City, Utah.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *It is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements, known to exist or likely to exist in the San Diego, California area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered*, That Microband Corporation of America, Tekkom, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-9747 Filed 3-31-77;8:45 am]

[1] Microwave Transmission Corporation (MTC) filed a competing application on October 28, 1971 but was dismissed at its own request on January 7, 1977. Also, Imperial Communications Corporation (Imperial) submitted an application on October 20, 1971 but by mutual agreement Tekkom, MTC and Microband reimbursed Imperial $3,300 (its application prosecution expenses) in return for Imperial's voluntary dismissal.

[2] Tekkom filed a motion to dismiss MTC's application on May 17, 1976, raising the issue of the adequacy of MTC's site availability showing. In view of MTC's request for dismissal, all pleadings in the matter are considered moot.

[3] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

[Docket Nos. 21148; 21173]

RONALD E. BRUNK

Order of Consolidation

In the matter of the application of Ronald E. Brunk, 3190 Holiday Drive, S., Salem, Oregon 97302 for Amateur Radio Station and (Novice Class) Operator License and Order to Show Cause Why The License For Radio Station KND-4719 in the Citizens Band Radio Service Should Not Be Revoked.[1]

Adopted: March 18, 1977.

Released: March 22, 1977.

The Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, has under consideration an Order released March 18, 1977, designating the above-captioned application for hearing and also an Order to Show Cause (SS-132-77) released January 25, 1977, directing Brunk to show cause why the license for Citizens Band radio station KND-4719 should not be revoked.

It appears, that respondent has requested a hearing in the Order to Show Cause proceeding;

It further appears, that the Order designating the application for hearing and the Order to Show Cause involve the same respondent and substantially the same issues.

Accordingly, consolidation of these proceedings will be conducive to the proper dispatch of business and to the ends of justice; and, *It is ordered*, pursuant to § 1.227 of the Commission's Rules, that the proceeding on the issues specified in the Commission's Order designating Brunk's application for hearing, released March 18, 1977, and the proceeding on the issues raised in the Order to Show Cause, released January 25, 1977, are consolidated for hearing.

It is further ordered, That with respect to the application, the burden of proceeding with the introduction of evidence on issues (1) and (3) shall be on the Bureau and the burden of proof on all issues shall be upon the applicant.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues raised in the Order to Show Cause shall be upon the Bureau; and

It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to Brunk at his address of record as shown in the caption.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc.77-9746 Filed 3-31-77;8:45 am]

[1] See 42 FR 15730.

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meeting

MARCH 29, 1977.

Pursuant to Public Law 92-463, notice is hereby given of the following meeting.

WARC-79 SATELLITE BROADCASTING SERVICE GROUP

Tuesday, April 26, 1977—9:30 a.m. to 12 noon, Room A-110, 1229 20th St., NW., Washington, D.C.

Chairman: Edward E. Reinhart, FCC Liaison: Charles H. Breig.

The Agenda will be as follows:

1. Call to Order by the Chairman
2. Approval of Minutes of Previous Meeting
3. Reports from Task Groups
4. Further Discussion
5. Next Meeting Date and Adjournment

The above meeting is open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-9748 Filed 3-31-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

RTCM Assembly—Notice of 1977 Annual Meeting—Monday, Tuesday, Wednesday, Thursday, April 18-19-20-21, 1977—Business Meeting: Thursday, April 21, 9:30 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19606—FCC Commissioner Abbott Washburn, RTCM Chairman.

Technical Papers Sessions: Monday, April 18—"Long Distance Communications for Vessels and Offshore Structures", "New Developments in Maritime Electronic Systems"; Tuesday, April 19—"Short Distance Communications for Commercial and Recreational Vessels"; Wednesday, April 20—"Radio Determination", "Preparation for the 1979 World Administrative Radio Conference"; Thursday, April 21—Business Session Agenda: (1) Introductory remarks; (2) Election of Assembly Member applicants; (3) Election of RTCM Officers; (4) Committee reports; (5) Report of the Executive Secretary; and (6) Other business.

Members of Special Committee No. 65, "Ship Radar"—Notice of 54th Meeting—Monday, April 18, 1977—8:00 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19406.

AGENDA

1. Call to Order; Chirman's Report; Adoption of Agenda.
2. Acceptance of SC-65 Summary Records; Appointment of Rapporteur.
3. Progress Report of Collision Avoidance Working Group.
4. Status Reports on Other Working Groups.
5. Other business.
6. Establishment of next meeting date.

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632-7197.

Special Committee No. 68, "Marine Radiotelephone Operator Education"—Notice of 20th Meeting—Tuesday, April 19, 1977—8:00 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19406.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC-68 Summary Records.
4. Review and approval of final report.
5. New business.
6. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, Phone: (617) 862-6600 (Ext. 414).

Special Committee No. 70, "Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment"—Notice of 1st Meeting—Wednesday, April 20, 1977—8:00 a.m.—Valley Forge Hilton, 251 West DeKalb Pike, King of Prussia, PA 19406.

AGENDA

1. Call to Order; Introduction of Moderator.
2. Introduction of Attendees; Appointment of Secretary.
3. Adoption of Agenda.
4. Discussion on Terms of Reference. (Paper 40-77/SC 70-1.)
5. Discussion on Committee Organization.
6. Discussion on Committee Priorities.
7. Discussion of Problem Areas.
8. Acceptance of Work Assignments.
9. Other Business.
10. Review of Terms of Reference.
11. Establishment of Meeting Schedule.

To comply with advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainly that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-9749 Filed 3-31-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1650]

INTER-CREST MARITIME & ASSOCIATES

Order of Revocation

By letter dated January 11, 1977, Mr. Alfonso Villacres, President, Inter-Crest Maritime & Associates, 427 W. 5th Street, Suite 424, Los Angeles, California 90013 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1650 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 26, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Inter-Crest Maritime & Associates has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1650 issued to Inter-Crest Maritime & Associates be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1650 be and is hereby revoked effective March 26, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Inter-Crest Maritime & Associates.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-9811 Filed 3-31-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 581]

INTERNATIONAL SERVICES, INC.

Order of Revocation

By letter dated February 24, 1977, Mr. Donald D. Klinger, President, International Services, Inc., P.O. Box 1643, Indianapolis, Indiana 46204 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 581 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 25, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

International Services, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 581 issued to International Services, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 581 be and is hereby revoked effective March 25, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon International Services, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-9812 Filed 3-31-77;8:45 am]

MALASIA OVERSEAS LINES, LTD., ET AL.

Certificates of Financial Responsibility; Revocation

In the matter of Certificate of Financial Responsibility for indemnification of passengers for nonperformance of transportation Nos. P-61 and P-108 and Certificate of Financial Responsibility to meet liability incurred for death or injury to passengers or other persons

on voyage Nos. C-1,055 and C-1,103; Malaysia Overseas Lines, Ltd. and United Overseas Export Lines, Ltd. and Chinese Maritime Trust, Ltd. and Orient Overseas Line, Inc. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111.

Whereas, Malaysia Overseas Lines Ltd. (Orient Overseas Line) has ceased to operate the passenger vessels *Oriental Inventor, Oriental Lady, Oriental Musician, Oriental Ruler* and *Oriental Warrior;* and

Whereas, United Overseas Export Lines, Inc. and/or Orient Overseas Line, Inc. (Orient Overseas Line) have ceased to operate the passenger vessels *Oriental Inventor, Oriental Lady, Oriental Musician* and *Oriental Ruler* to and from United States ports.

It is ordered, That Certificate (Performance) No. P-61 and Certificate (Casualty) No. C-1,055 issued to Malaysia Overseas Lines Ltd. (Orient Overseas Line) covering the *Oriental Inventor, Oriental Lady, Oriental Musician, Oriental Ruler* and *Oriental Warrior* be and are hereby revoked effective March 23, 1977.

It is further ordered, That Certificate (Performance) No. P-108 and Certificate (Casualty) No. C-1,103 issued to United Overseas Export Lines, Inc. and/or Chinese Maritime Trust, Ltd., (Orient Overseas Line) and reissued to United Overseas Lines, Inc. and/or Orient Overseas Line, Inc. (Orient Overseas Line) covering the *Oriental Inventor, Oriental Lady, Oriental Musician* and *Oriental Ruler* be and are hereby revoked effective March 23, 1977.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-9813 Filed 3-31-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI76-358]

ALMA ORINGDERFF

Order Setting Date for Hearing on Application for Abandonment

MARCH 25, 1977.

On January 27, 1976, Alma Oringderff (Oringderff) [1] filed an application pursuant to Section 7(b) of the Natural Gas Act requesting authorization to abandon a sale of casinghead gas to Northern Natural Gas Company (Northern) from the R.H.T. Morrow and Horizon Cleveland Fields, Ochiltree County, Texas R.R. District No. 10, made under a contract dated June 19, 1964.[2]

Oringderff states that she ceased service to Northern in December 1970, because continued operations had become uneconomical.

Under the terms of the aforementioned contract, Oringderff agreed to sell up to 700 Mcf of casinghead gas per day to Northern for delivery at a central point at a life of contract rate of 15.0 cents per MCf at 14.65 psia. In order to permit delivery into Northern's line, it was necessary for Oringderff to compress the gas. Petitioner alleges that the compressor consumed an excessive amount of gas for fuel, and as a result, production became economically unfeasible. Oringderff then terminated service to Northern in December 1970, removed and sold the compressor, and abandoned in place the line connected to the compressor. Oringderff avers that sales volumes averaged 1,724 Mcf per month during the final 12 months of deliveries.

Petitioner states that if abandonment authorization is granted, she will sell intrastate the approximately 162,000 Mcf of remaining gas resreves to Phillips Petroleum Company. Oringderff estimates that the deliverability rate would be about 3,000 Mcf per month. The gas would be sold under a percentage of proceeds contract with Oringderff guaranteed a minimum rate of 50.0 cents per Mcf.

Notice of Oringderff's application was published on February 13, 1976, and appeared in the FEDERAL REGISTER on February 23, 1976, at 41 FR 7997. No petitions to intervene have been filed.

We find that a hearing is desirable to determine, on the record, whether the present or future public convenience or necessity will be served by permitting the abandonment of service proposed herein. To insure the development of a complete record in this proceeding we are directing Oringderff to submit evidence and testimony concerning but not limited to:

1. The June 19, 1964, gas sales contract between Oringderff and Northern.

2. An evidentiary presentation detailing the additional costs and/or prices which would be required to maintain the production of the remaining producible reserves for the interstate market with full documentation of the unit price at which such undertaking would be feasible.

3. A detailed analysis and presentation of the remaining reserves in the subject wells, including the results of all tests conducted and a complete explanation of the technical data relied upon in arriving at the reserve estimate.

4. An explication by Oringderff of her reasons for not seeking to utilize the special relief procedures available to her under Section 2.76 of the Commission's General Policy and Interpretations in order to obtain an economically compensatory rate.

5. A presentation of the intended disposition of the gas reserves in the event that the proposed abandonment is approved.

6. The monthly rate of production from the subject wells for the years 1968, 1969, and 1970.

7. The anticipated monthly rate of production from the subject wells if service to Northern is resumed.

8. The proposed gas sales contract between Oringderff and Phillips.

The Commission finds: It is in the public interest to set Oringderff's abandonment application for hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held commencing May 3, 1977, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426; to determine whether the present or future public convenience or necessity permit the proposed abandonment.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Oringderff shall file her direct testimony and evidence on or before April 19, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-9710 Filed 3-31-77;8:45 am]

[1] Oringderff holds a small producer certificate issued on September 1, 1971, in Docket No. CS71-557.

[2] Additional information concerning the abandonment application was filed by Oringderff on March 16, 1976, and by Phillips Petroleum Company on March 12 and May 25, 1976.

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION, INC.

Order Approving Rate Settlement

MARCH 24, 1977.

On March 4, 1976, the Presiding Administrative Law Judge certified to the Commission for consideration and disposition a proposed Stipulation and Agreement which, if approved, would resolve all issues in the captioned proceeding. For the reasons set forth below the Commission finds the proposed settle-

ment agreement is reasonable and should be approved.

This proceeding originated when Granite State Gas Transmission, Inc. (Granite State) tendered for filing certain revised tariff sheets on May 30, 1975, seeking an increase of approximately $218,000 annually in revenues for jurisdictional natural gas sales and services. Granite State's proposed rate increase was suspended for the maximum statutory period of five months and set for hearing by Commission order issued June 18, 1975. In its order of June 18, the Commission urged all parties to consider the cost classification, allocation, and rate design policies expressed in Opinion No. 671, "United Gas Pipeline Company," 50 FPC 1348 (1973). Thereafter on November 18, 1975, Granite State submitted revised rates purportedly in compliance with "United," *supra*. The revised rates were rejected by the Commission on December 15, 1975, on the ground that the proposed revision to the cost classification and allocation method resulted in an increase in the company's claimed jurisdictional cost of service. Rejection of the November 18 rates was made without prejudice to Granite State's right to refile, within 10 days, revised rates predicated upon "United" not to exceed the originally-claimed cost of service.

On December 22, 1975, Granite State filed revised rates in accordance with the order of December 15. On January 22, 1976, the Commission permitted the rates filed on December 22 to become effective as of December 1, 1975, subject to refund.

Following the conclusion of settlement discussions between Granite State and the Commission staff, the only other party to the proceeding, the proposed settlement agreement was submitted to the Presiding Administrative Law Judge on March 3, 1976, with a request for certification thereof to the Commission. Public notice of the proposed settlement was issued on March 12, 1976. Comments in support of the settlement were filed by the Commission staff on March 30, 1976. No objections or adverse comments were received.

The settlement rates are predicated upon a total cost of service of $4,929,819 as set forth in Appendix A of the settlement agreement and of this order. The settlement cost of service includes a rate of return of 8.48 percent on Granite State's net investment rate base, with a return on common equity of 14 percent. The settlement capitalization and rate of return determinants are set forth in Appendix B of the settlement and of this order. In its original filing Granite State claimed a rate of return of 9.68 percent with a return on common equity of 10.49 percent. However in developing these claimed returns, the company utilized capitalization ratios of 43.1 percent debt and 56.9 percent equity representing its own independently stated capital structure. The settlement rate of return is predicated on the capital structure and resulting capital ratios of Granite State's parent, Northern Utilities, Inc. Northern Utilities' equity ratio is only 25.77 percent. (See Appendix B). This accounts for the fact that while the overall settlement rate of return is lower than that claimed by Granite State, the common equity allowance under the settlement of 14 percent is higher than the originally-claimed equity return of 10.49 percent. The Commission finds the settlement cost of service and resulting rates are reasonable and they are accordingly approved.

Based on a review of the record in this proceeding including the settlement agreement itself and the pleadings, evidence, and comments submitted in support thereof, the Commission finds that the proposed settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest, and that the agreement should accordingly be approved and adopted, as hereinafter ordered.

The Commission orders. (A) The stipulation and Agreement certified on March 4, 1976, is incorporated herein by reference and is approved and adopted.

(B) Within 15 days from the date of this order, Granite State shall file revised tariff sheets in accordance with the settlement agreement and this order.

(C) As soon as practicable but not later than 60 days after the date of this order, Granite State shall refund all amounts collected in excess of the settlement rates, together with interest at the rate of 9 percent per annum. Granite State shall thereafter submit a report of the refunds and interest to the Commission.

(D) Upon compliance by Granite State with the terms of this order, this proceeding shall be terminated.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Granite State or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Granite State Gas Transmission Inc., settlement cost of service, 12 months ended Jan. 31, 1975, adjusted*

[Docket No. RP75-107]

Line	Description (a)	Settlement cost of service (b)
1	Operation and maintenance expenses:	
2	Gas purchased	$4,282,416
3	Other operation and maintenance expenses	218,528
4	Total	4,500,944
5	Depreciation [1] and amortization expense	111,609
6	Taxes other than income	89,967
7	Other gas revenue (credit)	(2,840)
8	Total	4,699,770
9	Federal income taxes	55,008
10	Return allowance: at 8.48 pct	175,041
11	Total cost of service	4,929,819

[1] Reflects depreciation rate of 3.75 pct as per staff exhibit.

APPENDIX B.—*Northern Utilities, Inc., and subsidiary, settlement capitalization in percent, Jan. 31, 1975, adjusted*

	Capitalization ratios	Component cost	Weighted component cost
Long-term debt	56.50	6.78	3.83
5 pct preferred stock	10.99	5.10	.56
7.2 preference stock	6.74	7.30	.49
Common equity	25.77	14	3.60
Total capitalization	100		
Overall rate of return			8.48

[FR Doc.77-9589 Filed 3-31-77;8:45 am]

[Docket No. CP77-298]

NATIONAL FUEL GAS SUPPLY CORP.

Application

MARCH 23, 1977.

Take notice that on March 15, 1977, National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP77-298 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing underground storage of natural gas for Connecticut Natural Gas Corporation (CNG), Elizabethown Gas Company (Elizabethtown), Lowell Gas Company (Lowell) and UGI Corporation (UGI), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render underground storage service to the four proposed storage customers as follows (all volumes in Mcf):

Customer	Transporter	Top storage capacity	Maximum injection per day [1]	Maximum withdrawal per day [1]	Commence service	Complete service
CNG	Tennessee	1,000,000	6,667	6,667	Apr. 1, 1977	Mar. 31, 1978
Elizabethtown	Transco	1,500,000	10,000	10,000	do	Do.
Lowell	Tennessee	2,000,000	13,333	13,333	do	Do.
UGI	Columbia	2,000,000	13,333	13,333	May 1, 1977	Do.

[1] Maximum injection and withdrawal volumes are to be achieved on a best efforts basis; in its sole discretion, supply may exceed such volumes upon customer request.

Applicant states that the rate to be charged to the proposed customers is $0.4077 per Mcf of top storage capacity. Applicant further states that it has top storage capacity aggregating 59,980,000 Mcf, and that it expects to occupy a maximum of 47,880,000 Mcf of this capacity for its own storage purposes by injections during the summer of 1977. The storage service proposed in this application would occupy 6,500,000 Mcf of the 12,100,000 Mcf top storage capacity remaining, it is said, and that Applicant would continue to have available a margin to 5,600,000 Mcf top storage capacity with which to accept delivery of additional amounts of natural gas which may become available.

Applicant states that each customer has asserted that it would have gas supplies available to inject into storage during the 1977 injection season. Applicant requests authorization to commence storage service for the proposed customers promptly after April 1, 1977. It is asserted that injections must commence early in the season to allow customers the opportunity to inject the full amount of volumes to be husbanded and to afford a measure of flexibility in scheduling deliveries to storage.

Applicant states that no additional facilities are required to be constructed by it to render the proposed storage service. Applicant further states that the proposed authorization to render the underground gas storage service is needed to assist the four proposed customer companies in minimizing curtailments of their higher priority gas customers during the 1977–78 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9590 Filed 3-31-77; 8:45 am]

[Docket No. RP76-22]

SOUTH GEORGIA NATURAL GAS CO.

Order Modifying and Approving Settlement Agreement

MARCH 25, 1977.

On October 10, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, intended to provide increased revenues from jurisdictional sales of $1,563,000 annually. By order issued November 7, 1975, the Commission suspended the use of the revised tariff sheets for five months, until April 10, 1976, when they became effective, subject to refund. On September 19, 1976, South Georgia filed a Stipulation and Agreement (Agreement) as a proposed settlement of the issues in this proceeding together with a motion for approval of the agreement and for placing into effect its FPC Gas Tariff, First Revised Volume No. 1. The agreement would provide for a reduction in annual revenues of $597,940 below the rates originally proposed. For the reasons hereinafter stated, the Commission will modify the agreement and, as modified, approve it.

Public notice of the agreement was issued on September 30, 1976. No adverse comments were received.

The settlement rates are based on the settlement cost of service attached below as Appendix A and are proposed to be applied to jurisdictional sales for the period commencing April 10, 1976, for the duration of the agreement. The settlement cost of service includes a rate of return of 10.04 percent on South Georgia's net investment rate base including an allowance of 12.66 percent on common equity, and depreciation expense calculated at the rate of 3.75 percent for transmission plant, structures and equipment, and franchises and consents. The settlement cost of service and rate of return appear reasonable and are approved. In accordance with Article III of the settlement agreement, South Georgia shall be authorized to utilize the settlement depreciation rate until such time as revised in accordance with law.

Article IV of the settlement agreement provides that South Georgia shall limit its PGA filings under the terms of its tariff to semi-annual filings to be effective on January 1 and July 1 of each year. South Georgia would be permitted, however, to make special filings to track increased rates prescribed by the Commission in national rate proceedings. Article IV provides further that South Georgia shall be allowed carrying charges of 9 percent per annum or debit balances in its unrecovered purchased gas cost account and shall be required to pay interest of 9 percent on any credit balances in the account. The agreements contained in Article IV appear reasonable and are approved.

Article II 3(B) of the settlement provides for the offsetting of overpayments by a customer under one rate schedule against underpayments by that customer under another rate schedule for purposes of determining that customer's refunds. If there is a net underpayment by a customer, South Georgia will establish an account receivable for that customer and charge any underpayments to that account. Such account receivable is then to be credited with the customers' share of future refunds to be received from South Georgia's supplier, Southern Natural Gas Company.

The problem of undercollections arises because of a change in the design of South Georgia's rates which is reflected in the settlement rates proposed to be effective commencing on April 10, 1976. In its filing in this docket, South Georgia designed its rates in accordance with historical practice under which its interruptible rate I–1 was set at 1.5 cents above the G–2 general service commodity rate, and the interruptible rate I–2 was set at 2.0 cents above the G–2 commodity rate. However, the Commission staff recommended that South Georgia's I rates be established at the 100 percent load factor level of the G–2. Under the terms of the settlement, the I–1 rate is established at a level equal to the G–2 rate determined at 100 percent load factor. The I–2 rate is equal to the I–1 rate plus the historical differential of one half cent. These rates are higher than the historically designed I rates actually collected by South Georgia since April 10, 1976. South Georgia would therefore experience undercollections for interruptible service in the event the proposed settlement rates were to become effective retroactively as proposed.

The Commission finds no objection to the settlement procedure whereby the overpayments and underpayments of a customer under the G and I rate schedules are permitted to be offset for purposes of determining that customer's refund. However, the Commission is unable to approve the terms of the settle-

ment, permitting South Georgia to offset net undercollections against unrelated supplier refunds. *FPC* vs. *Tennessee Gas Transmission Company*, 371 U.S. 145, 153 (1962); *Bluefield Water Works and Improvement Co.* vs. *Public Service Commission*, 262 U.S. 679, 694 (1923).

The Commission finds that the rate design proposed in the settlement is reasonable and should be approved. However, in the Commission's judgment, the public interest would not be served by rejecting the settlement solely because of the specified undercollection procedures. Therefore, the Commission finds it would be reasonable under the circumstances of this case to modify the terms of the settlement to provide that the change in design of South Georgia's I rates be made effective prospectively from the date of this order. South Georgia would be permitted to file revised rates for the period April 10, 1976, to the date of this order, based upon the historical rate design adjusted to the revenue levels established by the settlement cost of service plus approved PGA increases. New rates incorporating the settlement rate design would be effective from the date of this order until August 1, 1977, the effective date of South Georgia's superseding rates in Docket No. RP77-32. The above modification would have the effect of eliminating undercollections under the I rate schedules and thereby obviate the need for the settlement undercollection recovery procedures. The Commission finds that the settlement agreement should be so modified.

Based upon a review of the record in this proceeding including the settlement agreement and the pleadings, evidence, and comments submitted in support thereof, the Commission finds that the proposed settlement, as modified by this order, represents a reasonable resolution of the issues in this proceeding in the public interest and that the proposed settlement as modified, should be approved and adopted.

The Commission orders. (A) The Stipulation and Agreement filed by South Georgia September 17, 1976, is incorporated herein by reference and is approved and adopted as hereinafter modified.

(B) South Georgia shall, within 30 days of the date of this order file revised rates to be effective from April 10, 1976, until the date of this order. Such revised rates shall be based upon South Georgia's historical rate design adjusted to the revenue levels established by the settlement cost of service plus approved PGA rate increases.

(C) South Georgia shall also file within 30 days of the date of this order revised rates to be effective from the date of this order until superseded by rates made effective in accordance with law in Docket No. RP77-32. Such revised rates shall be based on the design reflected in the original settlement rates and shall be calculated in accordance with the settlement cost of service plus approved PGA rate increases.

(D) Article III (3) (B) of the settlement agreement is not approved and shall have no force or effect.

(E) Within 15 days following approval of the rates filed pursuant to paragraphs (B) and (C) above, Georgia shall refund to its jurisdictional customers all amounts collected in excess of such rates, together with interest at the rate of 9 percent per annum. South Georgia shall thereafter submit a report of the refunds and interest to the Commission.

(F) Upon compliance with the terms of this order, this proceeding shall be terminated.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against South Georgia or any other person or party.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*South Georgia Natural Gas Co. cost of service for 12-month period ending Aug. 31, 1975, adjusted*

Line No.	Description	Settlement cost of service
	Operation and maintenance:	
1	Gas purchased	$18,044,377
2	Gas used by company	(89,541)
3	Purchased gas expenses	8,144
4	Transmission expenses	678,762
5	Customer accounts expenses	15,546
6	Sales expenses	404
7	Administrative and general expenses	597,645
8	Total operation and maintenance	19,255,337
9	Depreciation and amortization expense	665,858
10	Taxes other than income taxes	143,166
11	State income taxes	116,156
12	Federal income taxes	902,230
13	Return	908,837
14	Total cost of service	21,991,584
15	Composite jurisdictional allocation factor	0.74963669
16	Jurisdictional cost of service	$16,483,499

[FR Doc.77-9591 Filed 3-31-77;8:45 am]

[Docket No. E77-79]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On March 25, 1977, Inexco Oil Company (Inexco), Transwestern Pipeline Company (Transwestern) and Colorado Interstate Gas Company (CIG) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to permit Transwestern to continue an emergency purchase under section 6 from Inexco through July 31, 1977. Subsequent to the emergency purchase, CIG will purchase the remaining reserves from Inexco at the applicable area or national rate prescribed by the Federal Power Commission (FPC), and Inexco and CIG will compromise and settle pending litigation regarding certain gas reserves. For the reasons set forth below, I find that Transwestern may continue this purchase from Inexco and authorize and approve the same and authorize the transportation of this gas for Transwestern.

On or about March 11, 1977, Inexco and CIG executed formal documents providing for the sale and dedication of Inexco's interest in the Madden Field, Fremont County, Wyoming, to CIG. This sale and dedication was subject to Inexco's right to make an emergency sale under the Act. In addition, Inexco and CIG agreed to compromise and settle pending litigation regarding gas reserves in the Madden Field area. On March 11, 1977, Inexco and Transwestern executed an agreement for the purchase of available gas supplies from Inexco's interest in the Madden Field (approximately 15,000 Mcfd).

Contemporaneously with the execution of the contract with Inexco, and at all times prior to such execution, Transwestern reasonably believed that it was qualified to make such purchase under Order No. 6 (February 22, 1977). Transwestern commenced receiving gas from Inexco on March 16, 1977. On or about March 17, 1977, Transwestern was informed that certain of its customers were serving directly or indirectly any uses classified in FPC Priorities 4 through 9 (18 CFR 2.78(a)(1)(iv)-(ix)), and the information obtained indicated that such customers may have been serving uses specified in Priorities 4 through 9 prior to March 11, 1977. Upon receipt of this information, Transwestern ceased receipt of Inexco's gas and notified the Administrator of the foregoing circumstances.[1]

This application presents the question of whether a pipeline, which executed an emergency contract pursuant to section 6 of the Act on the basis of information contemporaneously available to it that it qualified to make such a purchase under Order No. 6, should be permitted to continue to make such purchase where (i) subsequent information indicates that contemporaneously with the execution of the contract that certain of its customers were serving uses prohibited by Order No. 6 and (ii) the long-term dedication of the gas to another interstate pipeline is subject to such emergency sale. Based on the circumstances and facts presented in this case, I find that Transwestern should be permitted to contique the purchase from Inexco. Transwestern reasonably relied upon information contempo-

[1] Transwestern's letter regarding this matter was received on March 23, 1977.

raneously available to it when it executed the subject contract. Furthermore, CIG will gain an additional long-term supply of gas if this sale is approved which it might not otherwise obtain.

Order No. 6 prescribed a rule of reasonableness not an absolute rule. The circumstances at the time of the execution of the contract are to be looked at to determine if a pipeline's execution of that contract is reasonable in light of the information then practicably available to it. "Columbia Gas Transmission Corporation," Docket No. E77-71 (March 24, 1977). Certain transactions have been authorized where no written contract had been executed but substantial detrimental reliance on the pipeline's eligibility to purchase gas under Order No. 6 has been demonstrated prior to the time the pipeline determined that it was not eligible to make a purchase under Order No. 6. El Paso Natural Gas Company, Docket No. E77-53 (March 10, 1977); Northern Natural Gas Company, Docket No. E77-49 (March 7, 1977); Natural Gas Pipeline Company of America, Docket No. E77-48 (March 4, 1977); United Gas Pipe Line Company, Docket No. E77-33 (March 2, 1977); Colorado Interstate Gas Company, Docket No. E77-31 (February 28, 1977). Transwestern has satisfied these criteria and is hereby authorized to continue to purchase this gas from Inexco notwithstanding Order No. 6.

Transwestern will purchase these supplies at a price of $2.25 per MMBtu inclusive of all state and local taxes and other adjustments. I find this price to be fair and equitable in accordance with Order No. 2.

This gas will be delivered to Transwestern through the existing pipeline facilities of CIG, Northwest Pipeline Corporation (Northwest) and El Paso Natural Gas Company (El Paso). Transwestern shall submit all relevant information regarding transportation charges to the Administrator. Pursuant to section 6(a) of the Act, I hereby authorize Transwestern to continue to purchase gas from Inexco. This authorization is conditioned upon CIG and Inexco submitting to the Administrator and the FPC, within seventy-two (72) hours of this order, a binding contract for the sale of this gas by Inexco to CIG subsequent to July 31, 1977, at a price not to exceed the applicable area or national rate prescribed by the FPC. Pursuant to section 6(c)(1), I authorize CIG, Northwest, and El Paso to transport this gas for Transwestern.

Transwestern shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Transwestern, Inexco, CIG, Northwest, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 28, 1977.

[FR Doc.77-9928 Filed 3-31-77;8:45 am]

[Docket Nos. ER76-149, E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Extension of Time

MARCH 28, 1977.

On March 17, 1977, Public Service Company of Indiana, Inc., filed a motion for an extension of time to April 4, 1977, to respond to the motion for summary dismissal filed by Commission Staff Counsel on March 2, 1977, in the captioned proceeding. The motion states that other parties have been contacted and have no objection to the extension of time.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 4, 1977, for filing responses to the March 2 Staff motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9929 Filed 3-31-77;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN, INC.

Order Approving Formation of Bank Holding Company and Retention of Credit-Related Insurance Activities

American, Inc., Oswego, Kansas ("Applicant") has applied for prior approval, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 225.3(a) of Regulation Y (12 CFR 225.3(a)), to become a bank holding company through the acquisition of 85.2 percent or more of the voting shares of The American State Bank, Oswego, Kansas ("Bank"). Applicant also has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y (12 CFR 225.4(b)(2)), for permission to retain its credit-related insurance agency activities which presently are conducted on the premises of Bank. Such activities have been determined by the Board of Governors of the Federal Reserve System to be closely related to banking (12 CFR 225.4(a)(9)).

The applications have been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors under provisions of § 265.2(f)(22) and (32) of Rules Regarding Delegation of Authority.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been duly published (42 FR 8214 (1977)). The time for filing comments has expired, and this Reserve Bank has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant was incorporated in January 1976 for the purpose of conducting general insurance agency activities on the premises of Bank. However, Applicant will divest itself of any noncredit-related insurance business after approval of its application to become a bank holding company and prior to consummation of the proposed transaction. With total deposits of $4.1 million,[1] Bank is the ninth largest of ten banks in the relevant banking market, which is approximated by Labette County and western Cherokee County in southeastern Kansas. Bank has 3.6 percent of the total deposits of commercial banks in the relevant market. Upon acquisition of Bank, Applicant would control the 458th largest bank in Kansas holding .05 percent of total deposits in commercial banks in the State.

Inasmuch as this proposal represents a restructuring of existing ownership of Bank, and since Applicant has no present operating banking subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on any bank in the area. Thus, competitive considerations are consistent with approval.

The future prospects of Applicant are dependent upon its credit-related insurance sales and upon the financial resources of Bank. Applicant proposes to service its debt over a 12-year period through dividends received from Bank, commissions generated through Applicant's credit-related insurance sales, and tax benefits derived from filing a consolidated return. In light of past and projected earnings of Bank and past commissions generated through credit-related insurance activities, it appears that Applicant will have the necessary financial flexibility to meet its annual debt servicing requirements and to maintain an adequate capital position for Bank. Therefore, considerations relating to banking factors are consistent with approval of the application to form a bank holding company.

Considerations relating to the convenience and needs of the community to be served are consistent with approval. This Reserve Bank, therefore, finds that the proposed transaction is in the public interest and that the application should be approved.

In conjunction with its proposed formation of a bank holding company, Applicant also proposes to continue to act as an agent for the sale of credit-related insurance on the premises of Bank. Applicant currently operates a general insurance agency business on Bank's premises but will divest itself of any noncredit-related insurance business prior to consummation of the acquisition of Bank. This proposal would assure the residents of the Oswego area of the con-

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[1] All banking data are as of December 31, 1975.

tinued availability of a convenient source of credit-related insurance, a factor which this Reserve Bank regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations in the record, this Reserve Bank has determined that the considerations affecting competitive factors under section 3(c) of the Act and the balance of the public interest factors required to be considered under section 4(c)(8) of the Act favor approval of both of Applicant's proposals.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the thirtieth day following the date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

WILBUR T. BILLINGTON,
Senior Vice President.

MARCH 23, 1977.

[FR Doc.77-9739 Filed 3-31-77;8:45 am]

BANKAMERICA CORP.

To Continue To Engage in Data Processing Activities

BankAmerica Corporation, San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in date processing activities for its subsidiaries and a group of insurance companies through its wholly-owned subsidiary, FinanceAmerica, Allentown, Pennsylvania. Notice of the application was published on February 1, 1977, in "The Morning Call," a newspaper circulated in Allentown, Pennsylvania.

Applicant states that the proposed subsidiary would engage in the activities of (1) providing bookkeeping and data processing activities for its direct and indirect subsidiaries, and (2) storing and processing banking, financial, or related economic data for certain insurance companies. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 22, 1977.

Board of Governors of the Federal Reserve System, March 25, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-9740 Filed 3-31-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 24, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 19, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

NRC requests an extension no change clearance of Form NRC-4, Occupational External Radiation Exposure History and 10 CFR 20.102. Form NRC-4 is provided for use by NRC licensees to record an employee's radiation exposure history. As required by 10 CFR 20.102, it must be completed whenever the licensee proposes to expose an employee to a dose exceeding the limits of 10 CFR 20.101(a). Frequency of the use of Form NRC-4 is on occasion. The occupational exposure data on Form NRC-4 are maintained by licensees. NRC estimates that 600 licensees prepare and maintain on file, subject to inspection, an average of 4 forms per licensee annually and respondent burden is estimated to average 1 hour per form.

NRC requests an extension no change clearance of Form NRC-5, Current Occupational External Radiation Exposure and 10 CFR 20401. Form NRC-5 is used by licensees to reocrd the radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202. The doses entered on the forms are for periods of time not exceeding one calendar quarter. Frequency of the use of Form NRC-5 is on occasion. The exposure data on Form NRC-5 are maintained by licensees. NRC estimates that 6,475 licensees provide personnel monitoring to about 313,000 individuals annually and respondent burden is estimated to average 9⅔ hours annually per respondent.

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[FR Doc.77-9831 Filed 3-31-77;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 28, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 19, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC set the effective date of this Order as March 28, 1977, with a May 25, 1977, reporting deadline for the reporting and recordkeeping requirements contained therein. However, this reporting deadline is contingent upon NRC's compliance with 44 U.S.C. 3512, which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information

is not presently available from other Federal sources and that the proposed plans or forms are consistent with the provisions of section 3512. This notice represents the beginning of the GAO review.

NRC requests clearance of Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Industrial Sabotage, 10 CFR 73.55 and 73.70(c). Information in physical security plans, or amended physical security plans, submitted pursuant to 10 CFR 73.55 is reviewed by the NRC to determine whether the general performance requirements of § 73.55(a) and other requirements of § 73.55 will be satisfied by the plan and whether it may be necessary to impose additional requirements. The register of visitors required by § 73.55(d)(6) will be subject to inspection by the NRC staff. NRC estimates that 47 licensees authorized to operate a nuclear power plant will submit amended physical security plans, and approximately four new licensees are expected annually. Respondent burden to prepare an amended physical security plan is estimated at 3,120 hours per response. The estimated annual burden for maintaining the register of visitors is about 50 hours per respondent.

JOHN M. LOVELADY,
Acting Assistant Director,
Regulatory Reports Review.

[FR Doc.77-9832 Filed 3-31-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

MARCH 24, 1977.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, April 21 and 22, 1977, from 9 a.m. to 4 p.m., Room 5651, GSA Regional Office Building, Seventh and D Streets SW., Washington, D.C. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Northside Computer Center Renovation, Central Intelligence Agency Headquarters Building, McLean, Virginia. The meeting will be opened to the public.

JOHN F. GALUARDI,
Regional Administrator.

[FR Doc.77-9693 Filed 3-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

ALTERNATE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Public Hearings

Pursuant to the "Regulatory Policies" of the Secretary of the Department of Health, Education and Welfare (41 FR 34811, August 17, 1976) and in accordance with an approved Regulation Development Plan, it has been determined that public hearings on alternate Professional Standards Review Organizations (PSROs) are appropriate prior to the publication of proposed rules.

Notice is hereby given that public hearings will be held to aid the Department in obtaining a broad level of input for the development of proposed rules on criteria for establishing organizations which may qualify to become PSROs under section 1152(b)(1)(B) of the Social Security Act (42 U.S.C. 1320c-1(b)), where organizations composed of physicians meeting the requirements of section 1152(b)(1)(A) of the Act are not available. Such nonphysician composed organizations have been termed "alternate PSROs" by the Department. Regulations establishing the criteria and other requirements are a prerequisite to the designation of alternate PSROs under section 1152(b)(1)(B). Alternate PSRO Public Hearings have been planned as follows:

APRIL 20, 1977, 9:30 A.M.-5 P.M.

Sheraton Baton Rouge Hotel, 4728 Constitution (off Interstate 10 at College) Baton Rouge, Louisiana.

APRIL 28, 1977, 9:30 A.M.-5 P.M.

Federal Office Building, 219 Dearborn Street, Room 1220, Chicago, Illinois.

MAY 5, 1977, 3 P.M.-7 P.M.

San Diego County Medical Society Meeting Room, 3702 Ruffin Road, San Diego, California.

MAY 6, 1977, 11 A.M.-5 P.M.

Public Health Building, 101 Grove Street, Room 300, San Francisco, California.

Respective DHEW Regional Offices are coordinating hearing arrangements.

Public hearings on alternate PSROs are directed at those geographic regions where, to date, there exists little or no formal physician interest to sponsor the preferred type of PSRO as specified under section 1152(b)(1)(A) of the Social Security Act. If, at a later time, there is a need to conduct additional public hearings in other geographic regions where physician organizations have not formed PSROs, the Department will consider appropriate hearing sites and publish an advance notice of any such hearings.

PURPOSE OF THE HEARINGS

Public hearings on alternate PSROs will be an integral part of the regulation development process. Such hearings will assist the Department in reaching as many concerned individuals, organizations, and potentially affected areas as possible, regarding the development of criteria for establishing alternate PSROs.

ALTERNATE PSRO PUBLIC HEARING PROCEDURES

1. These hearings, open to the public, are divided into two segments—a scheduled witness session and an unscheduled witness session.

2. The scheduled witness session will be to hear witnesses who have notified the appropriate Regional Office PSRO Branch Chief in the Division of Quality and Standards, DHEW, of their intent to present testimony at least five days prior to the hearing date.

3. The unscheduled witness session will be conducted under an "open-mike" format, whereby any attendee will be allowed to testify without prior notice to DHEW on a first come basis.

4. Unscheduled witnesses will be asked to sign up on the sheets provided at the witness tables at the hearing room door. These witnesses will be called in the order they signed up, subject only to a time limit and order rulings from the moderator.

5. The exact time limit for unscheduled witnesses will be announced at the beginning of the session and will depend on the number of witnesses who wish to testify.

6. Each witness may be asked questions from the hearing moderator and the members of the Federal resource panel.

7. All witnesses are encouraged to submit written statements or exhibits in addition to oral testimony. Written statements will carry the same weight as oral presentations and will be made part of the hearing record. Written material should be handed to the stenographer, and it should be clearly marked with the name and address of the witness.

8. Witnesss are requested to summarize their written testimony when making an oral presentation. A court stenographer will incorporate written testimony into the record.

9. Scheduled witnesses should generally be prepared to keep their presentations limited to 20 minutes; however, time allotted may be reduced if necessary to accommodate all scheduled witnesses.

BACKGROUND INFORMATION ON ALTERNATE PSROs.

Given the possibility that there may be no qualified physician organizations as specified under section 1152(b)(1)(A) of the Act in some of the designated areas by January 1, 1978, the Department must determine eligibility criteria which will be used in designating alternate PSROs. Under section 1152(c) of the Act (42 U.S.C. 1320-1(c)), on January 1, 1978, the Secretary may commence designating qualified organizations other than the statutorily preferred type of physician organizations designated under section 1152(b)(1)(A) of the Act to serve as PSROs.

Beginning on this date, the Secretary is authorized to designate as PSROs, as provided in section 1152(b)(1)(B) of the Act:

> * * * such other public, nonprofit private or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable;

Section 1152(b)(1)(B) of the Social Security Act and the Senate Finance Committee Report (No. 92-1230, 92nd Congress, 2nd Session, 1972) offer some assistance in determining appropriate eligibility criteria for selecting alternate PSROs, as follows:

(1) Each alternate PSRO must be a "* * * public, nonprofit private, or other agency or organization * * *" (Section 1152(b)(1)(B) of the Social Security Act.)

(2) The alternate organization must "be of professional competence" (Section 1152(b)(1)(B) of the Social Security Act.)

(3) The Secretary may seek alternative applicants from "among other medical organizations, State and local health departments, medical schools, and failing all else, carriers, intermediaries or other health insurers" (Senate Finance Committee Report No. 92-1230 pp. 259-260.)

(4) Each alternate organization must possess the willingness and capability to perform "in an effective, timely and objective manner and at a reasonable cost, the duties, functions and activities of a Professional Standards Review Organization * * *" (Section 1152(b)(2) of the Social Security Act.)

In response to a request made by the National Professional Standards Review Council, the formation and responsibilities of which are mandated in section 1163 of the Social Security Act, the Department has drafted a preliminary policy paper concerning alternate PSROs. Although this paper suggests possible criteria which could be used to designate alternate PSROs, it should not be interpreted to represent the Department's final position and policies concerning alternate PSROs. Public input may cause substantial revision in the views developed by the Department thus far. Those parties interested in securing a copy of this paper should contact either Michael J. Goran, M.D., Director, Bureau of Quality Assurance, Room 16A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; or the appropriate Regional Office PSRO Branch Chief, Division of Quality and Standards, DHEW.

The Department has developed the following preliminary criteria which could be used to designate alternate PSROs:

I. Each alternate PSRO must not make a profit (i.e., reimbursement for more than the actual cost) from its PSRO activities.

II. No organized medical society or association or organization "controlled" by such organizations can be designated an alternate PSRO.

III. Each alternate PSRO must have or demonstrate the capability to obtain the services of individuals with medical expertise to competently perform review activities.

IV. Each alternate PSRO must have the capability to adequately service the PSRO area.

V. Each alternate PSRO must not have inherent conflicts of interest that affect its role as a reviewer of health care.

These potential criteria should not be interpreted as definitive Department policy but rather as a preliminary attempt to stimulate discussion and interest in this area of concern. The Department invites public comment on these tentative criteria for establishing alternate PSROs. Moreover, the Department desires to solicit additional or alternative potential criteria which could supplement, complement and/or replace those suggested above and which will ensure that organizations designated by the Secretary as alternate PSROs could function effectively in this capacity.

Attendance at the April 20, April 28, May 5 and May 6 hearings is open to the interested public, but limited to the space available. For further information concerning these hearings contact either

Kenneth Schneider, M.D., PSRO Branch Chief, DHEW, Region VI, 1220 Main Tower Building, Room 1725, Dallas, Texas 75202; Telephone (214-655-3005);

Mr. Robert Goodnow, PSRO Branch Chief, DHEW, Region V, 300 South Wacker Drive, Room 3300, Chicago, Illinois 60607; Telephone (312-866-3643); or

Arnold Milstein, M.D., PSRO Branch Chief, DHEW Region IX, United Nations Plaza, 50 Fulton Street, Room 308, San Francisco, California 94102; Telephone (415-556-8700).

Dated: March 28, 1977.

DON WORTMAN,
Acting Administrator, Health Care Financing Administration.

[FR Doc.77-9724 Filed 3-31-77;8:45 am]

Food and Drug Administration

[Doc. No. 76N-0231]

HESS & CLARK

Furaltadone (NF-260); Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration withdraws an approval for furaltadone (NF-260).

DATES: Effective April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

David P. Ducharme, Bureau of Veterinary Medicine (HFV-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2280.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34891), the Director of the Bureau of Veterinary Medicine offered an opportunity for a hearing on the proposal to withdraw approval of certain new animal drug applications (NADA's): No. 14-283, Hess & Clark, Division of Rhodia, Inc., 7th and Orange St., Ashland, OH 44805, and Nos. 12-738 and 65-059, Eaton Laboratories, Division of Morton-Norwich Products, Inc., P.O. Box 181, Norwich, N.Y. 13815, for the use of furaltadone (NF-260) in food-producing animals. The basis was that new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, shows that furaltadone is not shown to be safe for use under either the approved or currently labeled conditions of use.

In FR Doc. 76-23620, also in the FEDERAL REGISTER of August 17, 1976 (41 FR 34884), the Director proposed to revoke the appropriate provisions of sections of Chapter I of Title 21 of the Code of Federal Regulations (CFR). Holders of approved NADA's were given until September 16, 1976 to submit requests for a hearing in accordance with § 514.200 (21 CFR 514.200), giving the reasons why approval of the applications should not be withdrawn and providing a well-organized and full-factual analysis of the scientific and other investigational data such holder would be prepared to provide in support of its opposition to the Director's proposal. The time for requesting a hearing and submitting data was subsequently extended to November 16, 1976.

Hess & Clark, Division of Rhodia, Inc., holder of NADA 14-283 did not file a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election not to avail itself of the opportunity for a hearing.

The Director of the Bureau of Veterinary Medicine, under the Federal Food, Drug, and Cosmetic Act (section 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29), finds, on the basis of new evidence not available when the applications were approved, evaluated together with the evidence available at the time of approval, that furaltadone is not shown to be safe for use under either the approved or currently labeled conditions of use.

Therefore, pursuant to the foregoing finding, approval of NADA 14-283, and all amendments and supplements applying thereto, is withdrawn, effective April 11, 1977.

Dated: March 25, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-9714 Filed 3-31-77;8:45 am]

[Docket No. 76N-0494]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs announces an opportunity for public hearing on the safety of certain glutamates and protein hydrolysates, caffeine, and lard and lard oil to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

DATES: Requests to make oral presentations at the public hearing must be postmarked on or before May 2, 1977.

ADDRESSES: Requests to Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204 (202-472-4750).

SUPPLEMENTARY INFORMATION: The Commissioner issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: Glutamates (L-glutamic acid, monoammonium L-glutamate, monopotassium L-glutamate and monosodium L-glutamate); protein hydrolysates (enzymatic casein hydrolysates, vegetable protein hydrolysates, animal protein hydrolysates other than enzymatic casein hydrolysates); caffeine; and lard and lard oil. The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

5. The information available is not sufficient to make a tentative conclusion. (This finding does not apply to the substances covered by this notice.)

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions.

Substance	Select committee tentative conclusion	Scientific literature review		Animal study report		Other information
		Order number	Cost	Order number	Cost	
Glutamates		PB-229-856/AS	$11.00	Mutagenic evaluation (Tier 1) of monoammonium glutamate (75-11) by Litton Bionetics, Inc., under FDA contract (PB-254-512/AS).	$4.00	a. Scientific literature review on the safety of monosodium glutamate by the International Glutamate Technical Committee.
L-glutamic acid	2			Mutagenic evaluation (Tier 1) of monopotassium glutamate (73-58) by Litton Bionetics, Inc., under FDA contract (PB-254-511/AS).	4.00	b. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB No. 221-921 through 221-949.
L-glutamic acid (for infants and junior foods).	4			Teratologic evaluation of monopotassium glutamate (72-88) by Food and Drug Research Labs., Inc., under FDA contact (PB-245-530/AS).	3.75	c. Human intake data taken from "Application of a Probabilistic Method in Estimating Daily Intakes of Certain GRAS Substances" in manuscript dated August 1976 from NAS/NRC.
L-glutamic acid hydrochloride	2			Teratologic evaluation of monosodium glutamate (71-69) by Food and Drug Research Labs., Inc., under FDA contract (PB-234-865/AS).	3.25	d. K. L. Cutler, MIT thesis, "The effect of monosodium glutamate on the appearance of glutamic pyruvate transaminase in the small intestine of the neonatal rats.
L-glutamic acid hydrochloride (for infants and junior foods).	4					e. Letter dated Jan. 16, 1974, from L. Reif-Lehrer, Harvard Medical School.
Monoammonium L-glutamate	2					f. Supplemental pathology report (Reproduction study-rabbits) submitted by Hazleton Lab., Inc.
Monoammonium L-glutamate (for infants and junior foods).	4					g. The effect of oral administration of monosodium glutamate to neonate primates, Huntingdon Research Center.
Monopotassium L-glutamate	2					h. Monosodium glutamate. A review of efficacy and safety by the International Minerals and Chemical Corp.
Monopotassium L-glutamate (for infants and junior foods).	4					i. Huntingdon Research Center report, Huntingdon, England.
Monosodium L-glutamate	3					j. Reproduction study-rabbits, monosodium glutamate, submitted by Hazleton Lab., Inc.
Monosodium L-glutamate (for infants and junior foods).	4					k. Investigation of the toxic and teratogenic effects of GRAS substances in the developing chicken embryo: monopotassium glutamate. FDA in-house investigation.
						l. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: monosodium glutamate. FDA in-house investigation.
						m. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: monoammonium glutamate. FDA in-house investigation.
						n. Evaluation of chemicals for toxic and teratogenic effect using the chick embryos as the test system. Monosodium glutamate. Submitted by WARF Institute, Inc.
						o. Report on mutagenic study with Ac'cent brand monosodium-L-glutamate in albino mice, submitted by Industrial Bio-Test Lab., Inc.

Substance	Select committee tentative conclusion	Scientific literature review		Animal study report		Other information
		Order number	Cost	Order number	Cost	
						p. Report on host-mediated assay for detection of mutations induced by Ac'cent brand monosodium-L-glutamate, submitted by Industrial Bio-Test Lab., Inc., q. Report on a study of L-monosodium glutamate, DL-monosodium glutamate, and L-glutamic acid with respect to potential carcinogenicity, submitted by Arthur D. Little, Inc. r. Report on an investigation of the toxicity of L-monosodium glutamate, DL-monosodium glutamate and L-glutamic acid, submitted by Arthur D. Little, Inc.
Protein hydrolysates		PB-229-856/AS	11.00	Teratologic evaluation of hydrolyzed vegetable protein (71-85) by Food and Drug Research Labs., Inc., under FDA contract (PB-234-875/AS). Mutagenic evaluation (Tier 1) of hydrolyzed vegetable protein (71-85) by Litton Bionetics, Inc., under FDA contract (PB-260-773/AS).		a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB No. 221-921 through 221-949.
Enzymatic casein hydrolysates	1					
Vegetable protein hydrolysates (for infants and junior foods).	4					
Vegetable protein hydrolysates	3				3.25	
Animal protein hydrolysates other than enzymatic casein hydrolysates (for infants and junior foods).	4					b. Approval of hydrolyzed milk protein as GRAS based on a letter, dated Oct. 2, 1961 from FDA.
Animal protein hydrolysates other than enzymatic casein hydrolysates.	3				4.50	c. Letter dated Sept. 3, 1975, from Louis Sair, Griffith Labs. d. Nestle Products Technical Assistance and toxicological information concerning HVP. e. Peace, H. 1970. Protein hydrolysates and flavor enhancers. Paper given Oct. 1970, at Columbia University. f. Socete D'Assistance Technique pour Products Nestle S.A. Servicts Biologiques Maggi hydrolized plant protein (HPP) 4BE: 90-day toxicity study in rats. g. Letter dated Oct. 10, 1975, from H. F. Sarett, Mead Johnson Research Center. h. Miles Labs., Inc. 1975. Tureen flavors from Miles: Tureen autolyzed yeast protein, typical amino acid profile. i. Interoffice memorandum dated Aug. 11, 1975 from David Brustek, Litton Bionetics, Inc.; additional testing of compound FDA 71-85, hydrolyzed vegetable protein (soy).
Caffeine		PB-234-894/AS	8.00	Teratologic evaluation of caffeine (71-44) by Food and Drug Research Labs., Inc., under FDA contract (PB-221-803/AS). Teratologic evaluation of caffeine (71-44) in rabbits by Food and Drug Labs., Inc., under FDA contract (PB-223-827/AS). Mutagenic evaluation (hose mediated, dominant lethal and cytogenetic) of caffeine (71-44) by Litton Bionetics, Inc., under FDA contract (PB-245-409/AS).	3.75	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Caffeine (part of committee).	4					
Caffeine (rest of committee).	3				2.75 4.75	b. Letter dated April 14, 1975, and attachments from Dr. R. C. Reeves, General Foods Corp. c. Letter dated July 28, 1976, from Robert Reeves, General Foods Corp. d. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chick embryo: caffeine. Submitted by St. Louis University School of Medicine. e. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: caffeine. FDA in-house investigation. f. Letter dated Sept. 24, 1976 from Charles J. Keusler, Arthur D. Little, Inc.
Lard and lard oil		PB-234-891/AS	4.00			a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Lard (in cotton and cotton fabric dry food packaging materials).	1					
Lard oil (in cotton and cotton fabric dry food packaging materials).						b. Evaluation of the health aspects of glycerin and glycerides as food ingredients (SCOGS-30), submitted by FASEB. c. Evaluation of the health aspects of tallow and stearic acid as food ingredients (SCOGS-54), submitted by FASEB.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) Glutamates (L-glutamic acid, monoammonium L-glutamate, monopotassium L-glutamate and monosodium L-glutamate), (2) protein hydrolysates (enzymatic casein hydrolysates, vegetable protein hydrolysates, animal protein hydrolysates other than enzymatic casein hydrolysates), (3) caffeine, and (4) lard and lard oil are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the length of time requested

to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all requests shall be placed on public display in that office. Any such request must be postmarked on or before May 2, 1977, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: March 17, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-9556 Filed 3-31-77;8:45 am]

[Docket No. 76N-0070]

ACRYLONITRILE COPOLYMERS USED TO FABRICATE BEVERAGE CONTAINERS

Hearing and Prehearing Conference

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice of Hearing and Prehearing Conference.

SUMMARY: This notice announces that a formal evidentiary public hearing will be held on the factual issues related to the order of the Commissioner of Food and Drugs staying those portions of certain food additive regulations that permit acrylonitrile copolymers to be used to fabricate beverage containers. This notice also announces a prehearing conference. The Comimssioner's order, which was published in the FEDERAL REGISTER of March 11, 1977 (42 FR 13546), was ordered stayed on March 18, 1977 by the United States Court of Appeals for the District of Columbia Circuit in *Monsanto Company v. Sherwin Gardner et al.*, (No. 77-1245). In its order, the Court directed FDA to "hold the required public hearing promptly and issue final findings and conclusions by said May 18, 1977." (Order at 6, footnotes omitted.)

DATES: Written notices of participation by April 11, 1977; prehearing conference on April 11, 1977 at 10 a.m. in Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ted Herman, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3480).

SUPPLEMENTARY INFORMATION: Since 1958, FDA has approved various food-contact uses of acrylonitrile copolymers through issuance of food additive regulations under section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 348. These include the following regulations which permit acrylonitrile copolymers to be used to fabricate beverage containers: 21 CFR 177.1480, 177.1050, 177.1030, 177.1040, and 177.1020 (formerly 21 CFR 121.2614, 121.2625, 121.2627, 121.2629, and 121.2633, respectively, prior to recodification, published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). In late 1973, concern about the safety of acrylonitrile copolymers in contact with food was heightened by the receipt of data which showed a delayed extraction problem with acrylonitrile copolymer bottles stored at elevated temperature for an extended period of time. These data, and a subsequent review by FDA of all safety data available on acrylonitrile, led, in November 1974, to the issuance of a proposed interim food additive regulation for all food-contact uses of acrylonitrile copolymers (published in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907)). The final interim regulation was promulgated in the FEDERAL REGISTER of June 14, 1976 (41 FR 23940) and included a 0.3 part per million (ppm) limit on the amount of acrylonitrile permitted to migrate from acrylonitrile copolymers to food-simulating solvents under specified test conditions and conditioned continued use of acrylonitrile copolymers on the undertaking of necessary toxicological studies. The Natural Resources Defense Council filed timely objections to the interim regulation.

Reports on the required toxicological studies have been submitted to FDA and, after evaluation of those studies and consideration of recently acquired data on the migration of acrylonitrile from acrylonitrile copolymer beverage containers to food-simulating solvents, the Commissioner decided to: (1) Stay the food additive regulations that permit acrylonitrile copolymers to be used to fabricate beverage containers, and (2) to propose to reduce the amount of acrylonitrile monomer permitted to migrate from nonbeverage container uses of acrylonitrile copolymers to food-simulating solvents from the currently permitted level of 0.3 ppm to 0.05 ppm. The documents implementing these conclusions were signed by the Commissioner on March 4, 1977, and published in the FEDERAL REGISTER of March 11, 1977 (42 FR 13546 and 13562).

On March 7, 1977, the Monsanto Company filed suit in the United States Court of Appeals for the District of Columbia Circuit (No. 77-1245), challenging the Commissioner's order and seeking a stay of that order. On Friday March 11, 1977, the Court stayed the Commissioner's order pending disposition on the merits and scheduled oral argument on the matter for March 16, 1977. On March 18, 1977, following argument, the Court issued an order that, inter alia, continued the judicial stay in effect and directed FDA to "hold the required public hearing promptly and issue final findings and conclusions by May 18, 1977." This notice implements the Court of Appeals' order.

MODIFICATION OF PROCEDURES

In view of the strict time limitation imposed by the Court of Appeals and pursuant to FDA's Administrative Practices and Procedures regulations, 21 CFR

10.19 and 10.20 (formerly 2.5 and 2.25, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), the following modifications of the procedures are hereby tentatively adopted to expedite the hearing in this matter:

1. Section 10.20(e) (formerly 2.5(e)) is modified to require all filings and submissions to be received on or before the due date thereof, without reference to any postmark;

2. Section 12.35(a)(4) and (5) (formerly § 2.118(a) (4) and (5)) is hereby modified to require only a brief statement of the issues in the Notice of Hearing and for the determination of issues at the prehearing conferences, subject to interlocutory appeal to the Commissioner;

3. Section 12.45 (formerly § 2.131) is hereby modified so as to provide for the filing of written notices of participation within 10 days after publication of the notice of hearing;

4. Section 12.85 (formerly § 2.153) is hereby modified so as to alleviate the necessity of documentary submissions to the Hearing Clerk and require the joint exchange of all underlying documentary evidence among participants as required by the Administrative Law Judge at the prehearing conference.

5. Section 12.120 (formerly § 2.180) is hereby waived pursuant to section 557 (b)(2) of the Administrative Procedure Act (5 U.S.C. 557(b)(2)).

6. Section 12.130 (formerly § 2.182 is hereby modified so as to provide for a final decision to be issued by the Commissioner and served on all participants, with notice thereof published in the FEDERAL REGISTER, and with copies available from the Hearing Clerk.

ISSUES FOR THE HEARING

Broadly speaking, the issues for the hearing will be:

1. Are acrylonitrile copolymers used to fabricate beverage containers food additives within the meaning of section 201 (s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s))?

2. Have those acrylonitrile copolymers been shown to be safe, within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348)?

The hearing will take place in the Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, Md. 20857. The presiding Administrative Law Judge will be Daniel Davidson. The hearing will convene on April 18, 1977 at 9:30 a.m., unless ordered otherwise by the Administrative Law Judge. Written notices of participation must be received by the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fisher Lane, Rockville, Md. 20857, not later than April 11, 1977. To facilitate identification, the envelope containing the written notices of participation should be clearly labeled with the phrase "Acrylonitrile Hearing."

Participants will be required to present direct testimony in the form of prepared statements which will be exchanged in advance with other participants, and subsequently marked as exhibits at the time the witness appears at the hearing. Additional oral direct testimony will be permitted only upon a showing of good cause.

All participants must appear at the prehearing conference which will be held at 10 a.m. on April 11, 1977 in Rm. 4A-35, 5600 Fishers Lane, Rockville, Md. 20857.

The parties to the hearing, as of this date, shall be the Bureau of Foods of the United States Food and Drug Administration, Monsanto Company, and the Natural Resources Defense Council.

The hearing will be open to the public. Any participant may appears in person, or with counsel or other qualified representative, and may be heard with respect to matters relevant to the issues under consideration.

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-9868 Filed 3-30-77;10:14 am]

TOPICAL ANALGESIC PANEL

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces cancellation of the Topical Analgesic Panel meeting rescheduled for April 13 and 14, 1977.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of October 4, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of February 11, 1977 (42 FR 8709) (notice of rescheduling published in the FEDERAL REGISTER of March 4, 1977 (42 FR 12515)) advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Topical Analgesic Panel scheduled for April 13 and 14, 1977, in Conference Rm. A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., has been canceled.

Dated: March 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-9871 Filed 3-31-77;8:45 am]

National Institutes of Health

NATIONAL CANCER COMMUNICATIONS CONFERENCE

Meeting

The fourth national cancer communications conference, sponsored jointly by the National Cancer Institute and the American Cancer Society, will be held June 20-21, 1977, in Chicago, Illinois at the Pick-Congress Hotel.

The purpose of the meeting is to encourage development and coordination of cancer communications programming, to motivate participants to support common communications projects, and to exchange information about successful projects undertaken by a variety of organizations.

In addition to representatives from the two sponsoring organizations, communications persons from other cancer-related institutions are being asked to attend, such as comprehensive and specialized cancer centers, and voluntary, nonprofit associations, and other health agencies that have an interest in cancer communications.

The format is a two-day program of plenary sessions and workshops designed to give participants an overview of important developments in cancer science, communications research, and specific community programs, with an emphasis on practical cancer information and educational activities.

Inquiries are invited from commercial exhibitors who feel that their products would be of interest to this audience. For further information call Barbara Blumberg Turner, 301-496-6631, by May 1, 1977.

J. PAUL VAN NEVEL,
Associate Director for Cancer Communications, National Cancer Institute.

[FR Doc.77-9708 Filed 3-31-77;8:45 am]

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Workshop

Notice is hereby given of a Workshop on Revision of the Guidelines sponsored by the Recombinant DNA Molecule Program Advisory Committee at the National Institutes of Health, Westwood Building, Room 9A12, 5333 Westbard Avenue, Bethesda, Maryland 20014, April 15-16, 1977 from 9:30 a.m. to 5:00 p.m.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, Building 31, Room 4A52, telephone 301/496-2323.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: March 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-9894 Filed 3-31-77;8:45 am]

Office of the Secretary

OFFICE OF INSPECTOR GENERAL

Statement of Organization, Functions, and Delegations of Authority

Part A (formerly Part 1) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended by adding Part AF, "The Office of Inspector General," to reflect

establishment of that office by Pub. L. 94-505, approved on October 15, 1976. The Office of Inspector General will have responsibility for those functions now performed by the HEW Audit Agency and the Office of Investigations. Part ABF (formerly Part 1B60), "Office of Investigations," (40 FR 58489, dated December 17, 1975) and Part ACR (formerly Part 1W13), "HEW Audit Agency," (39 FR 42408-90, dated December 5, 1974) have been deleted.

Section 1. *Functional statement.* The functional statement for the Office of Inspector General reads as follows:

AF.00 *Mission.* The Office of Inspector General, under the general supervision of the Secretary, is responsible for:

(1) Conducting and supervising audits and investigations relating to programs and operations of the Department;

(2) Providing leadership and coordination for, and recommending policies and corrective actions concerning activities designed to:

(A) Promote economy and efficiency in the administration of, and (B) prevent and detect fraud and abuse in, the Department's program and operations; and

(3) Providing a means for keeping the Secretary and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for the progress of corrective action.

AF.10 *Organization.* The Office of Inspector General, under the supervision of an Inspector General, consists of:

Office of the Inspector General (AFA).
Office of the Deputy Inspector General (AFB).
Office of the Assistant Inspector General for Auditing/HEW Audit Agency (AFC).
Division of Audit Coordination (AFCA).
Division of Social Security Audits (AFCB).
Division of State and Local Audits (AFCC).
Division of University and Non-Profit Audits (AFCD).
Regional Audit Offices (AFC [1-X]1).
Office of The Assistant Inspector General for Investigations (AFE).
Division of Investigations (AFEA).
Division of Inspection, Training and Review (AFEB).
Division of Law Enforcement Coordination and Data Collection (AFEC).
Regional Investigations Office (AFE [1-X]1).
Office of Assistant Inspector General for Health Care and Systems Review (AFF).

AF.20 *Functions.*

A. *Office of the Inspector General* (AFA). The Inspector General operates under the general supervision of the Secretary or the Under Secretary, and (1) supervises, coordinates and provides policy direction for auditing and investigative activities relating to programs and operations of the Department and undertaken by the Office of Inspector General; (2) recommends policies for, and conducts, supervises, or coordinates other activities carried out or financed by, the Department for the purpose of promoting economy and efficiency in the administration of, or detection and prevention of fraud and abuse in the programs and operations of the Department; (3) recommends policies for, and conducts, supervises, or coordinates relationships between the Department and other Federal agencies, State and local governmental agencies and other nongovernmental entities with respect to audit and investigative matters relating to (a) the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department or (b) the identification and prosecution of participants in such fraud and abuse; (4) keeps the Secretary and the Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies in the administration of programs and operations administered or financed by the Department, recommends corrective actions concerning such problems, abuses and deficiencies and reports on the progress made in implementing such corrective action; (5) delivers reports (with, in the case of reports required by Section 204 (a) and (b), copies to the Secretary at least twenty days prior to delivery to Congress and appropriate committees or subcommittees thereof, and in case of reports pursuant to Section 204(d), copies to the Secretary at least ten days prior to delivery to others) to the Secretary, Congress and others as required by Section 204 of Pub. L. 94-505; (6) to avoid duplication and provide efficient use of time and funds, gives particular regard to the activities of the Comptroller General of the United States; (7) gives prior notice to the Secretary of major investigations to be undertaken with respect to programs and operation of the Department; and (8) in general, coordinates investigation activities with the Office of General Counsel.

B. *The Office of the Deputy Inspector General.* Assists the Inspector General (AF) in the administration of the office, and during the absence or temporary incapacity of the Inspector General, or during a vacancy in the office, acts as the Inspector General.

C. *The Office of the Assistant Inspector General for Auditing/HEW Agency (AFC).* The Assistant Inspector General for Auditing serves as the Director of the HEW Audit Agency, and each Division of this Office and each Regional Audit Office is under the supervision of the Assistant Inspector General for Auditing, who is responsible to the Deputy Inspector General and the Inspector General.

1. The HEW Audit Agency:

(a) Provides audit services to all management levels within the Department through the conduct of comprehensive audits which include examinations of the Department, and its grantees and contractors;

(b) Develops policies, procedures, standards, and criteria relating to audit activities at all levels within the Department;

(c) Develops general and special audit programs as may be necessary to provide appropriate audit and examination of programs and activities performed by the Department and its Principal Operating Components (POCs);

(d) Determines when audits and examinations can be most appropriately carried out by organizations outside AFC including other agencies of Government, or by private organizations;

(e) Evaluates the adequacy of adults performed for the Department by organizations outside the AFC to determine that such audits are being conducted in consonance with Department objectives;

(f) Prepares and disseminates reports of audits, examinations, and studies to the Secretary, POCs, Regional Directors (RDs) and others who may be concerned with a particular audit or study;

(g) Accumulates and provides key officials with data concerning audit reports and unresolved audit findings (such data to serve as the basis for each POC Stewardship Report to the Secretary), evaluates the Stewardship Report and provides, through the Inspector General, to the Secretary and other key Department officials and analysis of actions being taken to resolve matters disclosed by audit;

(h) Conducts followups and special analyses to determine propriety of action taken on previous audit findings and recommendations;

(i) Reviews legislative and program proposals for audit implications and evaluates their conformity and consistency with established audit policy;

(j) As requested by the Department's POCs, performs special reviews of grant or contract proposals for the purpose of determining financial capabilities of grantees or contractors;

(k) In the interest of economy and interdepartmental cooperation, performs audits of programs and activities administered by other Federal departments and agencies that involve participation by institutions of higher education and State and local governments;

(l) Provides necessary Departmental liaison with the General Accounting Office and other Federal, State, local, and private auditing organizations on all matters pertaining to audits. With respect to General Accounting Office audits and investigations of Department activities:

(i) Reviews drafts and final reports concerning Department activities and through the Inspector General advises the Secretary and his staff of significant findings.

(ii) Reviews all replies to GAO reports prior to release and on behalf of the Inspector General, secures necessary clearance within the Office of the Secretary.

(iii) Performs followup reviews to determine propriety of action taken with respect to GAO recommendations.

(iv) Maintains liaison with representatives of the Office of Management and Budget and others regarding General Accounting Office reports; and

(m) Provides assistance to appropriate Assistant Secretaries in the development of grants and procurement management policy, and in formulation of policy to

govern establishment of indirect cost rates.

2. Functions of HEW Audit Agency Divisions are as follows:

(a) Division of Audit Coordination (AFCA):

(i) Develops agency-wide audit policies, procedures and instructions;

(ii) Develops agency-wide plans, audit schedules, and audit priority adjustments for budgetary and operating purposes;

(iii) Coordinates processing of GAO reports and letters; and

(iv) Maintains liaison with other Federal audit organizations in determining audit cognizance and arranging for cross-servicing.

(b) Division of Social Security Audits (AFCB):

(i) Develops technical standards and policies for audit of programs and activities of the Social Security Administration;

(ii) Develops audit programs to evaluate effectiveness of all aspects of the administration of Social Security programs;

(iii) Reviews issued audit reports and visits regional offices and audit sites to appraise technical adequacy of and provide technical assistance on Social Security audits;

(iv) Develops consolidated reports to top management based on audit findings on Social Security activities; and

(v) Maintains liaison with headquarters officials on Social Security audit matters.

(c) Division of State and local Audits (AFCC) Division of University and Nonprofit Audits (CFCD) assigned area for:

(i) Developing technical standards and policies for audits;

(ii) Developing audit programs to evaluate effectiveness of operations.

(iii) Reviewing issued audit reports and visiting regional offices and audit sites to appraise technical adequacy of audits and to provide technical assistance on audits;

(iv) Developing consolidated reports and other reports to top management based on audit findings; and

(v) Maintaining liaison with headquarters officials on audit matters.

(d) Regional Audit Offices (AFC (1-X)) Carry out the full range duties and responibilities of AFC in their assigned geographic areas.

D. *The Office of the Assistant Inspector General for Investigations.* The Assistant Inspector General for investigations serves as the director of the Office of the Assistant Inspector General for Investigations, and each Division of this office and each Regional Investigations Office is under the supervision of the Assistant Inspector General for Investigations, who is responsible to the Deputy Inspector General and the Inspector General.

1. The Office of Assistant Inspector General for Investigations (AFE):

(a) Provides leadership, policy direction, planning, coordination and management of the investigative program of the Department;

(b) Reports the results of investigations to the Inspector General;

(c) Provides line supervision to the office divisions in headquarters and in the Regional offices;

(d) Provides technical assistance and advice to program staff in identifying areas which might lend themselves to possible fraud;

(e) Reports information, allegations, or complaints received in the Department relating to violations of Title 18, U.S. Code, involving Department employees to the Attorney General of the United States, as required by section 535, Title 28, U.S.C.; and

(f) Advises affected program and staff offices of the Department of the results of any investigation, including the disposition by the Department of Justice of a matter referred to that Department for possible criminal prosecution.

2. The functions of the Division of AFE are as follows:

a. Division of Investigations (AFEA):

(i) Provides direction and coordination to the Regional Investigations Offices (AFE (1-X) 1) concerning investigations;

(ii) Implements guidelines and policies for the detection and investigation of actual or suspected criminal activity by Departmental grantees or contractors or by Departmental employees in the performance of their official duties;

(iii) Reviews investigative reports for completeness, accuracy, and compliance with AFE policies and guidelines;

(iv) Disseminates investigative reports to prosecutive agencies;

(v) Maintains liaison with Department staff offices, principal operating components and other investigative and law enforcement agencies regarding investigative matters undertaken by the Division;

(vi) Prepares and disseminates reports of investigation, through the Inspector General, to the Secretary; and

(vii) Is responsible for investigation of cases of alleged fraud and abuse in programs and operations administered or financed by the Department, including allegations of fraud and abuse by Department contractors, grantees, or other entities or individuals funded or supported by the Department, but excluding investigations relating to tort claims filed against the Department, employee security programs, employee equal employment opportunity complaints, matters under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, and similar activities which are under the jurisdiction of other offices of the Department.

b. Division of Inspection, Training, and Review (AFEB):

(i) Performs inspections including internal personnel investigations of AFE facilities, procedures, methods, and operations to ensure compliance with AFE instructions and procedures;

(ii) Conducts operations of AFE related to training programs, employee development, investigator handbook preparation and manual issuances, development of forms, paperwork management, and the development of office operations and staff performance instructions and procedures for AFE (1-X)1;

(iii) Reviews completed reports of criminal investigations for Department management and programmatic deficiencies and makes recommendations for corrective changes in policies and procedures;

(iv) Handles requests for AFE investigative information under the Freedom of Information Act and the Privacy Act; and

(v) Reviews and evaluates statutes, legal options, court decisions, and other professional and government reports and publications for applicability to AFE operations and investigative procedures.

c. Division of Law Enforcement Coordination and Data Collection (AFEC): Accumulates data on a continuing basis on the activities of Federal, State, and local law enforcement agencies in the investigation and prosecution of cases related to such critical programs as Medicaid, Medicare, and student assistance.

d. Regional Investigations Offices (AFE (1-X) 1):

(1) Maintain liaison with Department employees and representatives of other agencies with respect to, and receive from the public information relating to fraud and abuse in programs and operations financed or administered by the Department;

(ii) Make recommendations to the AFE that investigations be initiated;

(iii) Conduct investigations when approved;

(iv) Prepare reports of investigations;

(v) Present AFE cases to local United States Attorneys or their assistants for criminal prosecutive opinion; and

(vi) Recommend selective distribution of completed investigative reports.

E. *The Office of the Assistant Inspector General for Health Care and Systems Review (AFF).* The Assistant Inspector General for Health Care and Systems Review is responsible to the Deputy Inspector General and the Inspector General. The Office studies and makes recommendations regarding the management of programs administered or financed by the Department and the operating and control systems of the Department in order to promote efficiency and economy and to prevent fraud and abuse. The staff of this Office contains specialists in the Department's principal programs, including specifically personnel who will devote their full time and attention to anti-fraud and anti-abuse in the Medicaid, Medicare, renal disease and maternal and child health programs.

SEC. 2. *Continuation of Regulations.* Except as inconsistent with this statement, all regulations, rules, orders, statements of policy or procedures or interpretations thereof heretofore issued and in effect prior to the date of this statement or to become effective subsequent to said date, are continued in full force and effect.

SEC. 3. *Prior Statement of Organization, Functions, and Delegations of Authority.* To the extent inconsistent with this statement all previous statements of organization, functions, and delegations of authority, as well as applicable present chapters of the Department's Organization Manual are hereby superseded by this statement, except that, all delegations in effect immediately prior to the effective date of this statement shall continue in effect until new delegations are made.

SEC. 4. *Effective date:* This statement shall be effective March 29, 1977.

Dated: March 29, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-9800 Filed 3-30-77;10:10 am]

HUMAN SUBJECTS

Submission of Assurances and Certificates Concerning Protection

On May 20, 1975, the Department of Health, Education, and Welfare published in the FEDERAL REGISTER (40 FR 22019) a notice concerning submission of certification of institutional review and approval of grants and contracts in support of activities involving human subjects. Such certification is required by §§ 46.111 and 46.112 of 45 CFR Part 46.

The notice of May 20, 1975, was to be reevaluated by November 20, 1976, to determine whether there was any need for further modification.

The Department's regulations on protection of human subjects (45 CFR Part 46) require (1) that each institution submit in or with any application or proposal for support of an activity involving human subjects an assurance that the institution has established an Institutional Review Board satisfying the requirements of Part 46, and (2) that each institution also submit a certification that the application or proposal has been reviewed and approved by the Institutional Review Board. However, §§ 46.111 and 46.112 of Title 45 authorizes the Secretary to permit institutions to delay review and approval of applications or proposals by their Institutional Review Boards until after the applications or proposals have been submitted to DHEW. The notice issued on May 20, 1975, permitted delays in the submission of certifications by institutions with general assurances of up to 90 days following the actual submission date of the application or proposal.

Experience since issuance of the May 20, 1975 notice indicates that this period is unnecessarily long and often results in delays in the receipt of certification until evaluation of applications and proposals as required by § 46.115 is well advanced. It has, therefore, been determined that delay in submission of certifications by such institutions should not be permitted for more than 60 days as provided for below.

GENERAL ASSURANCES

Institutions having on file with DHEW an approved general assurance must submit certification within 30 days of the receipt of a written request therefor; and, in any event, these institutions must submit such certification within 60 days after the receipt date or deadline for which the application or proposal was submitted or, if no receipt date or deadline is specified, within 60 days following the actual submission date of the application or proposal.

SPECIAL ASSURANCES

Institutions not having on file an approved general assurance must submit in or with the application or proposal for activities covered by 45 CFR Part 46, a special assurance that: (a) Identifies the specific application or proposal by its full title and by the name of the activity director, principal investigator or other person immediately responsible for the conduct of the activity, and (b) includes a statement executed by an appropriate institutional official indicating that the institution has established an Institutional Review Board satisfying the requirements of §§ 46.106(b) and 46.107(b) of Part 46. This statement may take the following form:

Assurance is hereby given that this institution will comply with the requirements of the DHEW Regulations on Protection of Human Subjects (45 CFR Part 46), that it has established an Institutional Review Board for the protection of human subjects which meets these requirements, and that it will submit to DHEW, upon request, such additional documentation and assurance of compliance with these requirements as may be deemed necessary by DHEW.

Institutions having submitted such a statement must submit additional assurances of compliance and a certification of review and approval of the application or proposal by its Institutional Review Board, as well as required documentation, within 30 days of the receipt of a written request for the submission of any such additional assurances, certification, and documentation.

This provision shall become effective on May 1, 1977. For further information, contact Dr. Donald Chalkey, Director, Office for Protection from Research Risks, NIH (301-496-7005).

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-9826 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 16358]

ALABAMA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 24, 1977.

The Forest Service, U.S. Department of Agriculture has filed application ES 16358 for the withdrawal of the land described below from settlement, sale location or entry under all of the general land laws, including the mining and mineral leasing laws, excepting leasing for oil and gas, subject to valid existing rights:

HUNTSVILLE MERIDIAN, ALABAMA

T 13 S., R. 9 E.,
Section 28; SE¼.

The area described contains 160.00 acres and is located in Calhoun County.

The Forest Service proposes to include the subject tract within the Talladega National Forest for purposes of watershed protection and timber production. As part of a national forest, the lands would be administered in accordance with applicable laws and regulations for national forest lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before May 9, 1977.

Notice of a public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The regulations of the Department of the Interior provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency. The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

For a period two years from the date of publication of this notice in the FEDERAL REGISTER, the land will be segregated from entry, as specified above unless the application is rejected or the

withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for an indefinite period, and the land will remain segregated.

All communications in connection with this withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-9692 Filed 3-31-77;8:45 am]

Fish and Wildlife Service

NORTH CAROLINA STATE UNIVERSITY, DEPARTMENT OF ZOOLOGY

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: North Carolina State University, Department of Zoology, P.O. Box 5577, Raleigh, North Carolina 27607. Dr. John Vandenbergh, Head.

OMB NO. 42-R1673

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): [ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: We propose to live-capture alligators (with snares), mark, measure and release these animals and conduct night censuses of alligators on prescribed transect routes.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. John Vandenbergh, Head
Department of Zoology, Box 5577
North Carolina State University
Raleigh, North Carolina 27607
Phone - 919-737-2741

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: [ ] MR. [ ] MRS. [ ] MISS [ ] MS. HEIGHT WEIGHT; DATE OF BIRTH; COLOR HAIR; COLOR EYES; PHONE NUMBER WHERE EMPLOYED; SOCIAL SECURITY NUMBER; OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Educational and Research Institution

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Dr. John G. Vandenbergh, Head, Dept. Zoology, 919-737-2741

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
1. N. C. Wildlife Resources Commission
2. U.S. Fish & Wildlife Service
3. U.S. Forest Service
4. N.C. Museum of Natural History

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
a) Survey transects will be conducted in several North Carolina coastal counties.
b) Habitat and capture studies will be conducted in Croatan National Forest.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents) N.C. Wildlife Resources Comm. - verbal approval as of Jan. 1977; written permit application has been made (Feb. 3, 1977)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: May 1, 1977

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: John G. Vandenbergh DATE: Feb. 7, 1977

(1) American alligator. *Alligator mississippiensis*. An object of this proposed study is to capture, mark, sex and subsequently recapture alligators at Lake Ellis Simon, North Carolina. Animals will be held no longer than twelve hours and will be released at the capture sites.

(2) This study will involve only animals from the wild which will be released after marking and recording data.

(3) Accepted and practiced methods of capturing alligators will be employed by the researchers. These include use by "Murphy traps", noose snares, landing nets, and a small harpoon made from an 8/0 fish hook. Chabreck (1963, 1965, 1966) has captured alligators in Louisiana with snares. Jones (1965) has employed the landing net and small harpoon technique in Florida with no alligator mortality. A live trap using a baited snare was developed by Murphy and Fendley (1974) to capture nuisance animals. In addition, the principal investigators, Dr. Phillip D. Doerr, Dr. O. T. Sanders, and graduate student Manley Fuller have participated in noose snaring of alligators at Lake Ellis Simon during the summer of 1976, under the guidance of U.S. Fish and Wildlife service technician, Charles A. Ross.

(4) Animals will not be removed from the wild.

(5) See No. 4 above.

(6) (I) Not applicable.

(II) Participants have field experience in capturing alligators and anticipate gaining greater experience in capturing alligators at the Rockefeller Wildlife Refuge, Louisiana and the Savannah River Ecology Laboratory, South Carolina prior to initiation of this study.

(III) Not applicable.

(IV) Some animals may be kept overnight in a storage room 8×10 feet with a 5½' ceiling at Lake Ellis-Simon. Adequate ventilation and temperature control are provided. Any alligator captured which is too large to fit inside this structure will be kept in a larger storage room 10'×20' with an 8' ceiling. The animals will at no time be exposed to high temperature, i.e. greater than 90° F temperatures. These structures were employed by U.S. Fish and Wildlife Service personnel during the summer of 1976 for identical purposes.

(V) The applicants have observed no mortality with alligators captured by the snare techniques illustrated by Charles A. Ross. However, Assistant Unit Leader H. Randolph Perry of Louisiana Cooperative Wildlife Research Unit reported in personal communication that rough treatment has led to some mortality of animals in Louisiana. Jones (1965) has reported some problems of delayed mortality associated with snaring and recommended a barb technique of capturing animals employing a straightened 8/0 fish hook inserted into the neck scales. However, a literature survey and personal observations of U.S. F. and W. Service field techniques indicate that noose snaring is the most commonly employed means of capturing alligators. A "break-away" snare will be employed on alligators greater than six feet in length and this should act to decrease potential damage to the animals. The investigators plan to visit Louisiana and South Carolina to gain greater first hand experience with alligator capture techniques which should diminish the chances of injury to animals.

(VII) Dr. Phillip Doerr resume; Mr. Manley Fuller resume; Dr. O. T. Sanders, resume. Field Technician to be designated and supervised directly by principle investigators. Copy of N.C. internship proposal. Copy of research proposal.

(VIII) All of these are included in attached research proposal.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washing-

ton, D.C. 20240. This application has been assigned File Number PRT 2-634-07; please refer to this number when submitting comments. All relevant comments received by May 2, 1977, will be considered.

Dated: March 28, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-9704 Filed 3-31-77;8:45 am]

UNIVERSITY OF PUERTO RICO, DEPARTMENT OF MARINE SCIENCES

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: University of Puerto Rico, Department of Marine Sciences, Mayaguez, Puerto Rico 00708. Thomas R. Tosteson, Director.

OMB NO. 42-R1673

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate one)
[ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Diving physiology in marine turtles. Experiments on "diving response" in these animals will not involve the sacrifice of these animals.

3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Thomas R. Tosteson
Department of Marine Sciences
University of Puerto Rico
Mayaguez, P.R. 00708
(809) 832-4040 - ext. 3439 - 3443 - 3447

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: N.A.
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
University of Puerto Rico
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Thomas R. Tosteson, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Marine Station, Dept. of Marine Sciences
La Parguera, P.R.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)
Permit application in progress

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N.A.

10. DESIRED EFFECTIVE DATE: Immediate

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see attached paper

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Thomas R Tosteson
DATE: Oct. 7 1976

3-300
(6/74)
GPO 895-642

(1) The species of turtle to be employed in these studies is *Eretmochelys imbricata*, or the Hawksbill Turtle. The turtles will be collected at random and thus will be of variable age and sex. The experiments to be conducted with these anamals are designed to elucidate the "diving reflex" found in these animals. These experiments will not require the sacrifice of the animal.

(2) The turtles are to be collected.

(3) The animals will be caught using traps and nets.

(4) N.A.

(5) The Marine Station on Isla Magueyes, near La Parguera, Puerto Rico, will be the site at which the animals will be kept. This facility is operated and maintained by the University of Puerto Rico at Mayaguez. The experiments to be conducted with these animals will be carried out at the Marine Station and in the hyperbaric chamber located at Concepción Hospital in San Germán, Puerto Rico. This chamber is operated in conjunction with the Hospital.

(6) i. The animals will be housed in wire mesh cages appriximately 3×3×5 ft. that will be placed in the sea in the area of the Marine Station.

ii. The animals will be cared for by the graduate students working in the Physiology Laboratory at the Marine Station. These students are at the M.S. and Ph.D. levels, and have the required expertise.

iii. While we would be willing to participate in a breeding program, we do not intend to breed or raise these animals.

iv. If the animals need to be transported, such transport will be done utilizing large aquaria (×24×2 ft.) containing an appropriate amount of seawater.

v. We have not worked with this animal prior to this application.

(7) We have not applied for research funds to cover the initial phase of this project. In the event that the initial work warrants such application, we will apply to the National Geographic Society and the National Institutes of Health.

(8) i. Experiments will be conducted to determine whether this animal displays a "diving reflex" when exposed to hydrostatic pressure. The response in this case involves an alteration in the circulatory system of the animal, accompanied by changes in the oxygen consumption of the organism. In other diving animals this response can be elicited by very small changes in hydrostatic pressure and in some cases by simply immersing the head of the animal in water.

ii. The hyperbaric chamber will be utilized in part of this work. The circulation and oxygen consumption of the animal will be monitored indirectly through the implantation of electrodes.

iii. The results of this work will enable us to better understand the diving habits of this organism. The ability of this organism to dive no doubt enhances its survival.

iv. The animals employed in this work will be released upon completion of the study.

UNIVERSITY OF PUERTO RICO, DEPARTMENT OF MARINE SCIENCES, FACULTY OF ARTS AND SCIENCES

Mayagüez, Puerto Rico, February 10, 1977.

Mr. DONALD G. DONAHOO,
Federal Wildlife Permit Office,
Fish and Wildlife Service,
U.S. Department of the Interior,
Washington, D.C.

DEAR MR. DONAHOO: I am in receipt of your letter of 10 December 1976, concerning the permit that I submitted regarding the use of the Hawksbill Turtle to examine the "diving reflex" in this organism. I am of course interested in pursuing this matter. I would like to answer your questions in the order they were presented.

1. The turtles employed in this study will be taken from the coral reefs in the area of the south-west coast of Puerto Rico. Approximately 10 turtles will be collected, ranging from 6 to 8 lbs. each. I believe the number of turtles employed in this case will not affect the local population.

2. The graduate student involved in this study has had ample experience in observing the habits of this animal in the field. Of course he has not had experience doing the EKG, oxygen consumption and blood lactate determinations on this animal. These determinations will be made utilizing indirect, in most part external sensing systems. I will be directing the study. During the course of my training I have worked in several Physiology and Pharmacology Departments in several medical schools. We will also have available the advice of other investigators at present

working in medical schools in the continental United States. The animals employed in this study are not to be sacrificed.

3. Far and above the most populous species of turtle in this immediate area is the Hawksbill Turtle. The "diving reflex" has been reported in the green turtle (Pacific subspecies, *Chelonia mydas*). The Hawksbill Turtle is ominivorous and apparently more active than the green turtle. The green turtle is not common here.

4. I have made repeated attempts to contact the representatives in the local government here and to date have not been successful. I have discussed this matter with the Fish and Wildlife here. I am sure that I will be able to contact the appropriate officials in the Commonwealth Government.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-472-07; please refer to this number when submitting comments. All relevant comments received by May 2, 1977 will be considered.

Dated: March 28, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-9703 Filed 3-31-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

BROOM CORN BROOMS; CONSUMPTION

Report to the President

MARCH 28, 1977.

In accordance with Executive Order 11377 of October 23, 1967 (copy attached), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (TSUS) (79 Stat. 948; 19 U.S.C. 1202), the U.S. International Trade Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1976, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1965 and 1975 and data for competitive brooms for 1968.

ESTIMATED CONSUMPTION OF BROOM CORN BROOMS

In the judgment of the Commission, consumption of brooms wholly or in part of broom corn in the calendar years 1965, 1975, and 1976 was as shown in the table below:

Brooms wholly or in part of broom corn: U.S. consumption, 1965, 1975, and 1976

[In dozens]

Type of broom	1965 [1]	1975 [2]	1976
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive	470,612	376,025	391,593
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive	2,878,995	2,270,010	2,159,285

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 17, 1976.

BASIS FOR THE COMMISSION'S JUDGMENT WITH RESPECT TO BROOM CORN BROOMS

The Commission estimated consumption of broom corn brooms in 1976 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and then subtracting the quantity of exports. Data on imports were obtained from the U.S. Customs Service; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms were as shown in the table below:

Whiskbrooms provided for in TSUS items 750.26 to 750.28, inclusive, and other brooms provided for in TSUS items 750.29 to 750.31, inclusive: U.S. producers' shipments, imports, exports, and apparent consumption, 1965, 1975, and 1976

[In dozens]

Item	1965 [1]	1975 [2]	1976
	Wiskbrooms provided for in TSUS items 750.26 to 750.28, inclusive		
U.S. producers' shipments	318,691	255,379	257,473
Imports	152,686	121,102	134,338
Exports	765	456	218
Apparent consumption	470,612	376,025	391,593
	Other brooms provided for in TSUS items 750.29 to 750.31, inclusive		
U.S. producers' shipments	2,506,457	2,120,341	2,045,094
Imports	296,897	153,638	118,387
Exports	14,359	3,969	4,196
Apparent consumption	2,878,995	2,270,010	2,159,285

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 17, 1976.

BROOMS CONSIDERED COMPETITIVE WITH BROOM CORN BROOMS

As reported to the President on May 23, 1969, the Commission concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further concluded that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1968 [1] and 1976 of the brooms considered to be competitive with broom corn brooms were as shown in the table below:

[1] As reported to the President on May 23, 1969.

Brooms competitive with broom corn brooms: Estimated U.S. producers' shipments, imports, exports, and apparent consumption, 1968 and 1976

[In thousands of dozens]

Type of broom	Producers' shipments		Imports		Exports		Apparent consumption	
	1968	1976	1968	1976	1968	1976	1968	1976
Wiskbrooms:								
Plastic fiber	36	74	8	22	(1)	1	44	95
Other fiber	59	[2] 3	.....	5	(1)	(1)	59	[2] 8
Other (upright) brooms:								
Plastic fiber	193	699	131	120	6	24	318	795
Other fiber	95	59	.....	47	2	1	93	105
Push brooms (16 in or less in width)	269	179	.....	13	1	3	268	189

[1] Less than 500 doz.
[2] The absence of any substantial production in 1976 of whiskbrooms of fibers other than plastics or broom corn is attributable in large measure to the substitution of plastics for "other fiber" in the production of whiskbrooms since 1968.

SOURCE: Compiled from data furnished by domestic producers and official statistics of the Bureau of the Census.

Issued: March 28, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[For immediate release; Oct. 23, 1967]

OFFICE OF THE WHITE HOUSE
PRESS SECRETARY,
THE WHITE HOUSE, *October 24, 1967.*

EXECUTIVE ORDER 11377—PROVIDING FOR TARIFF COMMISSION REPORTS REGARDING THE ESTIMATED CONSUMPTION OF CERTAIN BROOMS

By virtue of the authority vested in me by the Constitution and the statutes, including section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), it is hereby ordered as follows:

1. In order to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the United States Tariff Commission shall keep under review developments with regard to whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules, and other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of such schedules, and shall annually report to the President, as early as practicable in each calendar year, its judgment as to the estimated annual consumption of each such kind of brooms during the immediately preceding calendar year, together with the basis therefor. The first report by the Commission under this paragraph shall contain estimates for the calendar year 1967, and also similar estimates for the calendar year 1965, together with the basis therefor.

2. At the time of its report of the estimates under paragraph 1 of this order for 1968, and biennially thereafter, in addition to the matters described in paragraph 1, the Commission shall report to the President available information as to the production of and trade in other types of brooms which it considers to be competitive with those identified in paragraph 1 and, if practicable, estimates as to the annual consumption of such other brooms.

/s/ LYNDON B. JOHNSON.

[FR Doc.77-9690 Filed 3-31-77;8:45 am]

[TA-201-21]

CAST-IRON COOKING WARE

Time and Place of Public Hearing

Notice is hereby given that the public hearing in this matter scheduled to begin on Tuesday, April 12, 1977, in Birmingham, Alabama, will commence at 10 a.m., e.s.t., in the Alabama and Georgia Room, Southeastern Program Service Center, 2001 12th Avenue, North, Birmingham, Alabama 35285.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of February 22, 1977. [42 FR 10347]

By order of the Commission

Issued: March 29, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-9830 Filed 3-31-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of March, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending March 25, 1977

Name of applicant	Location of enterprise	Principal product or activity
Triple A Sugar Corp.	Easton, Maine	Processing of sugar beet into white sugar.
Saint Francis College	Biddeford, Maine	College higher education leading to B.A. and B.S. degrees.
Vastill Corp. (tenant of Essex County Industrial Development Agency).	Plattsburg, N.Y	Manufacture of self-watering planters.
Greenbrier Estates	Lewisburg, W. Va	Mobile home park.
Ramada Inn	Harlan, Ky	Motel and restaurant.
Benton Electric Corp.	Madison County, Ga	Manufacture of vacuum formed plastic fiberglass signs and sign faces.
Coshocton Pipe Co.	Coshocton County, Ohio.	Transportation and sale of natural gas to ultimate industrial consumers.
John W. Thompson	Taylor, Tex	Motel.
Rigid Tanks, Inc.	Throckmorton, Tex	Manufacture of welded steel tanks for oil and salt water storage.
Mount Rushmore Hotel Associates	Rapid City, S.D	Motel—food and beverage.
Manchester Packaging Co. (tenant of City of St. James).	St. James, Mo	Manufacture of poly bags.
American Olivine Corp. (tenant of Jackson County).	Dillsboro, N.C	Mining and processing of olivine ore.
Barry County Lumber Co.	Hastings, Mich	Lumber, paint and building materials sales.

[FR Doc.77-9849 Filed 3-31-77;8:45 am]

MISSISSIPPI

Availability of Federal Supplemental Benefits

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Mississippi, effective March 27, 1977, but only on the condition that the benefit program is extended by an act of Congress.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the U.S. Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable under the current law to eligible individuals are up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the U.S. Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding 12 weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and under the current law lasts for a minimum period of not less than 26 weeks; however, no benefit period will begin in Mississippi unless the program is extended, because under the current law the program terminates on March 26, 1977.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding 12 weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator. Only if the program is extended will this have any bearing on Mississippi, and in any extension of the program there may be changes in those provisions.

DETERMINATION OF "ON" INDICATOR

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), (Title 20 of the Code of Federal Regulations, section 615.13(a)), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Mississippi has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on March 12, 1977, and the immediately preceding 12 weeks, equaled or exceeded 5.0 percent.

Therefore, on the condition that the program is extended by an act of Congress, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Mississippi for the week ending on March 12, 1977, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on March 27, 1977.

INFORMATION FOR CLAIMANTS

The duration of Federal Supplemental Benefits payable in the new Federal Supplemental Benefit Period, if it takes effect, and the terms and conditions on which they are payable, will be governed by amendments that are made in any act extending the program.

If the program is extended, the State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Mississippi, or who wish to inquire about their rights under this program, should contact the nearest State Employment Office of the Mississippi Employment Security Commission in their locality.

Signed at Washington, D.C., on March 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-9840 Filed 3-31-77;8:45 am]

UTAH

Availability of Federal Supplemental Benefits

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Utah, effective March 27, 1977, but only on the condition that the benefit program is extended by an act of Congress.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable under the current law to eligible individuals are up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and under the current law lasts for a minimum period of not less than 26 weeks; however, no benefit period will begin in Utah unless the program is extended, because under the current law the program terminates on March 26, 1977.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a weeks when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator. Only if the program is extended will this have any bearing on Utah, and in any ex-

tension of the program there may be changes in those provisions.

DETERMINATION OF "ON" INDICATOR

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), (Title 20 of the Code of Federal Regulations, section 615.13(a)), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Utah has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157), that the average rate of insured unemployment in the State for the period consisting of the week ending on March 12, 1977, and the immediately preceding twelve weeks, equalled or exceeded 5.0 percent.

Therefore, on the condition that the program is extended by an act of Congress, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Utah for the week ending on March 12, 1977, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on March 27, 1977.

INFORMATION FOR CLAIMANTS

The duration of Federal Supplemental Benefits payable in the new Federal Supplemental Benefit Period, if it takes effect, and the terms and conditions on which they are payable, will be governed by amendments that are made in any act extending the program.

If the program is extended, the State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Utah, or who wish to inquire about their rights under this program, should contact the nearest Employment Security Office of the Utah Industrial Commission in their locality.

Signed at Washington, D.C., on March 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-9841 Filed 3-31-77;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for membership on the National Advisory Committee on Occupational Safety and Health. The function of this Committee is to advise the Assistant Secretary on policy matters and on the implementation of the Occupational Safety and Health Act.

The current terms of six members of the twelve member Committee expire on June 30, 1977. Vacancies on the Committee will be in the following categories: one public representative; one employee representative; one employer representative; one safety representative and two health representatives. Terms of office are two years.

Any interested person or organization may nominate one or more qualified persons for membership. Please identify nominees by name, occupation or position, address and telephone number. Specify the field or group which the candidate would represent and include a resume of the nominee's background, experience and qualifications. In addition, the nomination should state that the nominee is aware of the nomination and is willing to serve as a Committee member.

Nominations should be submitted to Joanne Goodell, Acting Director, Division of Consumer Affairs, Room N-3635, Department of Labor Building, 3rd Street and Construction Avenue, NW, Washington, D.C. 20210, no later than April 30, 1977.

Signed at Washington, D.C. this 25th day of March 1977.

J. GOODELL,
Executive Secretary.

[FR Doc.77-9843 Filed 3-31-77;8:45 am]

[V-77-6]

PITTSBURGH-DES MOINES STEEL CO.

Application for Variance and Interim Order; Grant of Interim Order

1. *Notice of application.* Notice is hereby given that Pittsburgh-Des Moines Steel Company, 1015 Tuttle Street, Des Moines, Iowa 50308 has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.552(c) concerning personnel hoists and 1926.451(l) (4) and (5) concerning boatswain's chairs.

The addresses of the places of employment that will be affected by the application are:

Southern Illinois Power Plant, County Road, E., Marion, Illinois.

and all future stack erection sites in States under Federal jurisdiction.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by §§ 1926.451(l) (4) and (5) and 1926.552(c).

The applicant is engaged in the construction of stack liners. In erecting the liner, work must be performed at elevations to 400′ or more. The applicant contends that at such heights access ladders are impractical. There is not sufficient room inside a stack to erect a construction hoist tower, and the erection of one outside the stack would present serious problems due to the necessary height of the tower and the tapering of the stack. In addition, at times the use of a boatswain's chair is necessary. However, the applicant states that the use of block and falls is impractical for transporting an employee to and from these elevations.

Therefore, the applicant proposes to transport personnel to and from the elevated work platforms utilizing a special workman's hoist, including the hoist machine and a two-man safety cage. The applicant further proposes to transport personnel one at a time to and from the elevated work platform utilizing a boatswain's chair while substituting a materials hoist for a block and falls. The applicant has submitted detailed procedures which it will follow in transporting personnel by these means.

A copy of the application will be made available for inspection and copying upon request at the Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-3668, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 Walnut Street, Room 638, Des Moines, Iowa 50309.

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3263, 230 S. Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 228 N.E. Jefferson, 3rd Floor, Peoria, Illinois 61603.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than May 2, 1977. In addition, employers and employees who believe they would be affected by a grant

or denial of the variance may request a hearing on the application no later than May 2, 1977, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

II. *Interim order*. It appears from the application for a variance and interim order that, as required by section 6(d) of the Act, the use of a special workman's hoist to transport employees and the substitution of a materials hoist for block and fall on a boatswain's chair will provide to the affected employees a place of employment as safe as that which would be provided if the applicant complied with 29 CFR 1926.451 (1)(4) and (5) and 1926.552(c). It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c), and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that Pittsburgh-Des Moines Steel Company be, and it is hereby, authorized to utilize a special workman's hoist consisting of a hoist machine and a special two-man safety cage to transport employees to and from the work platforms, and to use a boatswain's chair to transport employees one at a time while substituting a materials hoist for the block and falls, *Provided*, That the following conditions are complied with:

a. *Hoist machine*. (1) The hoist machine shall be designated as a portable man hoist.

(2) The hoist machine shall be powered both in the up and down direction.

(3) The hoist machine shall be located far enough from the footblock to obtain correct fleet angle or proper spooling on the hoist drum.

(4) The hoisting machine shall be a type of which the car hoisting drum is driven in both directions of rotation and is automatically stopped and held rotationless upon loss of applied power so that the drum cannot be in a freewheeling condition. A drive system of which the hoisting drum can be placed into a freewheeling position for the purpose of lowering the car by use of the braking system or a system of which the velocity of the car being lowered is reduced by increasing the engine or motor speed shall not be allowed.

(5) The hoist machine shall be equipped with a "dead-man" control switch in top of operating lever or in conventional foot-type location which shall stop the hoist immediately if released.

(6) The hoist machine shall be equipped with a winding drum of not less than 30 times the diameter of rope used, with rope not to be spooled closer than two inches to edge of flange.

(7) The hoist machine shall be equipped with a line speed indicator maintained in good working condition.

(8) The hoist machine shall be equipped with either two independently operated brakes each capable of holding the load as follows:

(i) An externally contracting band type brake mounted directly on the hoist drum. A foot pedal shall be located near the operator's seat for sit down control.

(ii) An electromagnetic braking device, capable of holding 150 percent of the rated load, which shall be automatically applied upon cessation of power. The electromagnetic brake shall be properly located in the drive between the power source and the drum.

or two independent band type brakes in conjunction with hydraulic braking, each capable of holding the load as follows:

(i) Two independent band type brakes, one mounted directly on the hoist drum, the second mounted directly on the hydraulic motor which are spring engaged and hydraulically disengaged and will automatically engage upon cessation of power and capable of withstanding 150 percent of the rated load.

(ii) Hydraulic braking system which is concurrent with hand control lever.

(9)(i) The hoist machine frame shall be self-supporting rigid, welded steel frame with skid base and holding brackets for anchor lines located at corners, as well as legs for anchor bolts.

(ii) The hoisting machine shall be securely anchored to prevent machine displacement, movement or dislodgment.

(10) Hoist machine wiring shall be equipped with terminal blocks for connections with limit switches that are placed at upper and lower end of travel to prevent the bottom of the cage from being taken above the platform level of the top scaffold or below the bottom loading platform. The hoist shall stop automatically if limit switch contact is opened.

(11) All electrical equipment shall be waterproof.

(12) The hoisting machine shall be electrically grounded.

(13) Single lever control for both speed and direction shall be used.

b. *Operating control*. (1) The operator of the hoist shall be an experienced operator.

(2) The hoist shall not be operated in excess of 250 ft/min. when carrying personnel.

(3) Signals shall consist of two-way radio or wired intercom between hoist operator, the lower landing and the upper landing.

c. *Hoist rope*. (1) The hoisting rope shall be improved plow steel or equivalent quality of nonrotating type or regular lay rope with proper swivel and shall be not less than one-half inch diameter. It shall be attached to the cage by a closed hook or hook with locking swivel safety latch.

(2) Where clip fasterner is used, the clips shall be installed in accordance with Table H-20, 29 CFR 1926.251(a)(2) and they shall be installed with "U" of clip on dead end of rope. Spacing clip-to-clip shall be six times the diameter of the rope.

(3) The load end of the hoist rope shall be weighted to prevent line run.

d. *Footblock*. (1) The footblock shall construction type of solid single piece ball, which will prevent rope escapement due to sheave failure, and provide for rope return.

(2) The line diameter of the footblock shall be not less than 24 times the rope diameter.

(3) The change in directions of hoist rope at the footblock shall be approximately 90°.

e. *Cathead*. (1) The overhead sheave supports shall be securely fastened together by bolts or weld to prevent spreading. The sheaves shall be installed between the supporting members and shall rotate on a fixed shaft or the shaft shall revolve in pillow block bearings.

(2) The sheaves used on cathead shall have a minimum diameter equal to 24 times diameter of rope when travel of rope on the sheaves is approximately 90°. When using ½ inch diameter rope, the corresponding minimum sheave diameter shall be 12 inches.

f. *Safety cables*. (1) There shall be two steel safety cables suitable for use with safety clamps, as described in paragraph (g)(6), (7) and (8), or equivalent.

(2) One end shall be fastened to an overhead support which is supported independently of the overhead support for the hoist rope and the bottom end securely attached with approximately 100 pound tension in ropes. Safety cables shall be ½ inch diameter.

g. *Cage*. (1) The cage shall be of welded construction of two-man capacity.

(2) The framework of the cage shall be covered with aluminum expand-x or equivalent.

(3) The floor shall be one inch thick plywood securely fastened in place or equivalent.

(4) The roof shall be slanted and of ⅛ inch thick aluminum or equivalent.

(5) The entrance to the cage shall have positive mechanical locking.

(6) Safety clamps shall be of a type that are portable and can be attached or detached from the lifeline. The clamps shall be fabricated 100 percent of stainless steel, have instant holding action and a solid self-locking pin, spring loaded, for locking the two parts together.

(7) The safety clamp attached on opposite sides of the cage shall grip the safety cables in case of emergency.

(8) The safety clamps shall operate on the broken rope principle.

h. *Capacity*. The maximum of two-man cage shall be two men or 400 pounds. A sign stating capacity shall be posted in the cage.

i. *Emergency escape*. An emergency escape device with accommodations for each man in the cage with a minimum of 5/16 inch braided nylon rope or better, long enough to reach the bottom landing from the highest escape point below the upper landing shall be securely attached to the inside of the cage. Not more than one man shall use the escape means at a time.

j. *Welding.* All welding shall be done by welders in accordance with § 1926.-556(b)(5).

k. *Inspection.* (1) Visual inspection shall be performed daily on the manlift system.

(2) A drop test shall be performed before initial use at each job and monthly thereafter for the duration of the job.

Pittsburgh-Des Moines Steel Co., shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for variance.

Effective date: This interim order shall be effective as of April 1, 1977, and shall remain in effect until a decision is rendered on the appliaction for variance.

Signed at Washington, D.C., this 25th day of March 1977.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.77-9842 Filed 3-31-77;8:45 am]

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted by letter dated November 2, 1976 from Keith Wilson, Chairman, Workmens Compensation Board, to James Lake, Regional Administrator, and incorporated as part of the plan, State standards comparable to 29 CFR § 1910.183, Helicopters, as published in the FEDERAL REGISTER (40 FR 13440) dated March 20, 1976.

These State standards, which are contained in the Oregon Safety Code Chapter 11 Section 7, were promulgated after public hearings held on August 4, 1976.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. On its own initiative, the State has a standard requiring that flight paths be arranged so that suspended loads will not pass over ground personnel and clarified intent of § 1910.183(l), Hooking and Unhooking Loads. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Section 1953(c)(1) of this chapter provides that where State standards are identical to or "at least as effective" as comparable Federal standards and have been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standards under consideration are "at least as effective" as the Federal standards and have been promulgated in accordance with State law including an opportunity for public comment and a public hearing, they are approved without an opportunity for further public comment.

This decision is effective April 1, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 24th day of February 1977.

JAMES W. LAKE,
Regional Administrator—OSHA.

[FR Doc.77-9844 Filed 3-31-77;8:45 am]

WASHINGTON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as "status of the State program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by letter dated October 6, 1976 from John Hillier, Assistant Dirtctor, to James Lake, Regional Administrator, and incorporated as part of the plan, a State standard comparable to 29 CFR 1910.184(e)(9)(i), Slings, as published in the FEDERAL REGISTER (40 FR 31598) dated July 20, 1975.

This State standard, which is contained in WAC 296-24 General Safety and Health Standards, was promulgated after public hearing held on September 1, 1976, pursuant to Chapter 34.04 RCW and of the Open Public Meetings Act of 1971, Chapter 42.30 RCW.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is identical to the Federal standard.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003 Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98504; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Section 1953.2(c) of this chapter provides that when a State standard is identical to or "at least as effective" as comparable Federal standard and has been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standard under consideration is identical to the Federal standard and has been promulgated in accordance with State law, it is approved without public comment.

This decision is effective April 1, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington, this 2nd day of February 1977.

JACK R. JONES,
Acting Regional Administrator—OSHA.

[FR Doc.77-9845 Filed 3-31-77;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

MARCH 28, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996l. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project. . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Society of the City and County of St. Louis, St. Louis, Missouri, to serve the counties of St. Charles, Jefferson, Franklin, Washington and Warren.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77-9829 Filed 3-31-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

MARCH 29, 1977.

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act, 5, U.S.C. App I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, April 18-19, 1977. These sessions will be open to the public and will be held in Room 4832 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C., beginning at 9 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The Agenda will include the following topics:

APRIL 18, 1977

MORNING

0900 Opening Remarks.
0915 NOAA's Office of Ocean Engineering—Mr. Stephen Anastasion, Acting Director.
1000 Review of possible topics for NACOA Sixth Annual Report including: National goals, marine transportation, marine education, ocean engineering, National Weather Service emergency operations, air pollution monitoring, OCS oil and gas, nonfossil energy from the sea, deepsea mining, distant water fisheries, distant water research, national fisheries management, aquaculture, Dept. of State and marine issues, international agencies academic fleet, coastal zone management, national data centers.
1700 Adjournment.

APRIL 19, 1977

MORNING

0900 Opening Remarks.
0915 Annual Report topics review (continued).
Adjournment at approximately 1:30 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.77-9852 Filed 3-31-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Music Advisory Panel (Composer-Librettist Section) to the National Council on the Arts will be held on April 21-22, 1977, from 9:30 a.m. to 5:30 p.m., in the 12th Floor Screening Room, Columbia Plaza Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chirman published in the FEDERAL REGISTER of March 17, 1977. These sessions may be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

MARCH 25, 1977.

[FR Doc.77-9742 Filed 3-31-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

LEGISLATION & REGULATION COMMITTEE OF THE NSF SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Legislation & Regulatory Committee of the Science Information Activities Task Force.
Date: April 19, 1977.
Time: 1:00 p.m. to 4:00 p.m.
Type of meeting: Open.
Place: Engineers Joint Council (Conf. Room 110, Lobby), 345 East 47th Street, New York, NY 10017.
Contact: Dr. Lee G. Burchinal, Director, Division of Science Information, Room 1201, National Science Foundation, Washington, DC 20550. Telephone: (202) 632-5824.

Persons planning to attend should notify Dr. Burchinal prior to this meeting.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, DC 20550.

Purpose of the Task Force: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information. This committee, one of four established by the Task Force, will explore the Legislative and Regulatory aspects pertinent to the Task Force's charge.

AGENDA

1:00 p.m.—Welcome and Introductory Remarks by Chairman.
1:15 p.m.—Discussion on New Copyright Legislation Affecting Scientific Journal Publication.
2:30 p.m.—Discussion on Regulatory Environments Applicable to Science Information Systems.
3:00 p.m.—Open Public Participation.
4:00 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 29, 1977.

[FR Doc.77-9814 Filed 3-31-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ENVIRONMENTAL SURVEY OF THE REPROCESSING AND WASTE MANAGEMENT PORTIONS OF THE LWR FUEL CYCLE

Availability of Public Comments and Responses

Notice is hereby given that a report, "Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0216, prepared by the Commission's Office of Nuclear Material Safety and Safeguards, and a Staff paper entitled "Response to Comments on a Paper Entitled 'Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants'" (hereinafter "Response to Comments on Impacts Document") are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in local public document rooms associated with individual nuclear power plants.

On October 18, 1976, the Commission published in the FEDERAL REGISTER a notice of a proposed revision to Table S-3 of 10 CFR Part 51 and announced at the same time the availability of the document on which the proposed revision would be based—"Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0116. In addition, in the notice the Commission referenced an analysis entitled "Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants." This notice solicited comments on the proposed rule change, NUREG-0116, and the impact analysis.

NUREG-0216, which is now being made available, contains responses to the comments received on NUREG-0116 from Federal, State, and local officials and from interested members of the public. It also provides additional information on the environmental impacts of reprocessing and waste management which has either become available since the publication of NUREG-0116 or which adds requested clarification to the information in that document.

Copies of NUREG-0216 may be purchased from the National Technical Information Service, Springfield, Virginia 22161; printed copy, $11.75; microfiche, $3.

Single copies of "Responses to Comments on Impacts Document" may be obtained without charge, to the extent of supply, by writing the Division of Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland, this 18th day of March 1977.

For the Nuclear Regulatory Commission.

WILLIAM P. BISHOP,
Chief, Waste Management Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-9517 Filed 3-31-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-5191; File No. 2-37401 22-6087]

AMERICAN AIRLINES, INC.

Application and Opportunity for Hearing

MARCH 24, 1977.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Bankers Trust Company under certain existing indentures involving American Airlines, Inc. ("American") hereinafter described and under an Equipment Trust Agreement (the "New Indenture") of American not to be qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under the New Indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under such qualified indenture and such other indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicants allege the following: (1) American, a Deleware Corporation, intends to finance a part of the acquisition cost of twelve Boeing Model 727-223 aircraft (the "Aircraft") through the placement with institutional investors of approximately $98,000,000 principal amount of equipment trust certificates which certificates are expected to be issued pursuant to the New Indenture. It is anticipated that the certificates to be issued under the New Indenture will include approximately $20,000,000 principal amount of Interim Equipment Trust Certificates maturing on the earlier of August 31, 1977 or the first closing of the sale of the Short Term and Long Term Equipment Trust Certificates referred to below and of approximately $32,500,000 principal amount of Short Term Equipment Trust Certificates (5 year maturity) and approximately $65,500,000 principal amount of Long Term Equipment Trust Certificates (15 year maturity). American will guarantee the due and punctual payment of principal and interest on the Interim Equipment Trust Certificates. The Equipment Trust Certificates to be issued under the New Indenture will be secured by the Aircraft and American's obligation to pay rent therefore, all as provided in the New Indenture. Copies of the proposed New Indenture will be filed by an amendment to the Applicant's Application promptly upon its availability.

(2) Applicant desires to appoint Bankers Trust Company, a New York Corporation, to act as trustee under the New Indenture.

(3) Bankers Trust Company presently is acting as trustee under the following indentures of American: (a) a trust agreement dated as of October 20, 1967 ("1967 Indenture"), (b) a Trust agreement dated as of September 15, 1969 ("1969 Indenture"), (c) a trust indenture and mortgage dated as of June 1, 1970, as amended and supplemented ("1970 Indenture"), (d) a trust agreement dated as of November 15, 1971 ("1971 Indenture"), (e) a trust indenture and mortgage dated as of April 1, 1975 ("1975 Indenture"), (f) a trust indenture and mortgage dated as of April 1, 1976 ("First 1976 Indenture") and (g) a trust indenture and mortgage dated as of May 1, 1976 (the "Second 1976 Indenture"), relating to the financing of twenty-seven Boeing Model 727-223 aircraft, two Boeing Model 727-223 aircraft, seven Boeing Model 747-123 aircraft, two McDonnell Douglas DC-10 aircraft, six Boeing Model 727-223 aircraft, five Boeing Model 727-223 aircraft and three Boeing Model 727-223 aircraft, respectively, leased to American. 6½ percent Equipment Trust Loan Certificates were issued under the 1967 Indenture in the original principal amount of $114,371,-636.03, of which $77,383,386.72 remain outstanding; final payment is due on January 1, 1987. 9½ percent Equipment Trust Loan Certificates were issued under the 1969 Indenture in the original principal amount of $9,079,642.40, of which $6,155,742.00 remain outstanding; final payment is due July 29, 1984. Guaranteed Loan Certificates, Series A, B, Interim C, Second Interim C and C, were issued under the 1970 Indenture

and remain outstanding in the following respective principal amounts: $47,850,000.00 original principal amount of 11 percent Series A, due December 1, 1988, presently outstanding in the principal amount of $40,295,000.00; $31,800,000.00 original principal amount of 10⅞ percent Series B, due December 1, 1988, presently outstanding in the principal amount of $26,714,000.00; $15,564,000 original principal amount of 9½ percent Interim Series C, due June 1, 1980, none of which is presently outstanding; $15,689,000.00 original principal amount of 9½ percent Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000.00 original principal amount of 10 percent Series C, due June 1, 1989, presently outstanding in the principal amount of $27,203,000.00. 9¼ percent Equipment Trust Loan Certificates were issued under the 1971 Indenture in the original principal amount of $19,513,754.67, of which $18,171,561.81 remain outstanding. 11⅝ percent Equipment Trust Loan Certificates were issued under the 1975 Indenture in the original principal amount of $32,031,409.80, of which $29,935,497.92 remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,039,261.05, of which $13,253,661.43 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,778,166.51, all of which remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,392,164.42, of which $8,239,856.87 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,833,855.48, all of which remain outstanding. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1967 Indenture were filed as Exhibit 2 to American's Application dated March 3, 1970 under Section 310(b)(1)(ii) of the Act in connection with American's Registration Statement on Form S-7 under the Securities Act of 1933 (No. 2-37401) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1969 Indenture were filed as Exhibit 3 to such Application dated March 3, 1970 and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to American's Registration Statements under the Securities Act of 1933 (Nos. 2-37401, 2-38352 and 2-39380) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1971 Indenture were filed as Exhibit A to American's Application dated March 25, 1975 under section 310(b)(1)(ii) and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the First 1976 Indenture were filed as Exhibit A to American's Application dated June 8, 1976 under section 310(b)(1)(ii) of the Act and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the Second 1976 Indenture were filed as Exhibit A to the Applicant's Application dated March 2, 1977 under section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. The 1970 Indenture is qualified under the Act and the Commission has determined in response to applications of American that the trusteeships of Bankers Trust Company under the other indentures of American referred to above are not so likely to involve a material conflict of interest as to make it necessary to disqualify Bankers Trust Company from acting as trustee under such indentures.

(4) The certificates issued under the 1967 Indenture, the 1969 Indenture, the 1970 Indenture, the 1971 Indenture, the 1975 Indenture, the First 1976 Indenture (which in the case of the Long Term Loan Certificates are also secured by the letter of credit referred to in the First 1976 Indenture) and the Second 1976 Indenture (which in the case of the Long Term Loan Certificates are also secured by the purchase obligation of C.I.T. Corporation referred to in American's Application dated June 8, 1976 under section 310(b)(1)(ii) of the Act), are, and the certificates to be issued under the New Indenture will be, secured by separate lots of identified Aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under any other trust. Thus, the existence of the other trusteeships should in no way inhibit or discourage the trustee's actions.

(5) American is not in default under any of its equipment obligations.

The Applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 20, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may seem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SERVICE LIST

George B. Adams, Jr., Esq., Debevoise, Plimpton, Lyons & Gates, 299 Park Avenue, New York, New York 10017.

Casimir C. Patrick, II, Esq., White & Case, 280 Park Avenue, New York, New York 10017.

Myron K. Klugman, Assistant Vice President, Corporate Trust Administration, Bankers Trust Company, One Bankers Trust Plaza, New York, New York 10015.

Mr. John T. Slavin, Assistant Treasurer, American Airlines, Inc., 633 Third Avenue, New York, New York 10017.

[FR Doc.77-9763 Filed 3-31-77;8:45 am]

[Rel. No. 19949; 70-5986]

AMERICAN ELECTRIC POWER COMPANY, INC.

Proposed Amendments to Dividend Reinvestment and Stock Purchase Plan and Order Authorizing Solicitation of Proxies in Connection Therewith

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to amend its Dividend Reinvestment and Stock Purchase Plan ("Plan"). The proposed amendments to the Plan (1) would permit participants in the Plan to invest optional cash payments not more frequently than once a month on an investment date to be set by the board of directors, rather than quarterly as at present, subject to the

same $3,000 (or such other amount not greater than $5,000 as the board of directors shall approve) quarterly limit per participant, but without any allotment requirement (where shares to be purchased with optional cash payments would exceed shares not purchased by the reinvestment of dividends), and (2) would permit employees of AEP subsidiaries to purchase shares through the plan at 100 percent of the then current market price average through periodic payroll deductions of not more than 10 percent of the employee's basic compensation.

It is stated that amending the Plan to permit monthly reinvestment of optional cash payments will make the plan more convenient to shareholders than it is at present in that it would permit participants to make optional cash payments at times which may be more convenient for them, while assuring them that they will not have to wait more than one month for their funds to be invested.

It is further stated that AEP now has in effect a stock purchase plan for AEP system employees, but the payroll deductions of participants are used to purchase shares in the open market. It is believed that permitting the employees to purchase shares under the Plan through payroll deductions will benefit AEP and its shareholders because it will provide another source of equity capital on an ongoing basis. All full-time AEP System employees who have completed a probationary period (approximately 20,000 persons at present) would be eligible to participate in the amended Plan. The existing employee stock purchase plan has approximately 14,000 participants, and participants purchased a total of 24,693 shares of common stock during 1976. It is proposed that the present stock purchase plan for AEP system employees will be discontinued if the proposed amendment is adopted.

AEP intends to submit the proposal for the amendments to its Dividend Reinvestment and Stock Purchase Plan to its shareholders for their consideration and approval at the annual meeting to be held on April 27, 1977. In connection therewith, AEP proposes to solicit proxies from the holders of its common stock through the use of solicitation material which sets forth the proposal in detail. AEP also proposes to solicit proxies for the election of directors and for the approval of the selection of auditors. The proposal for the amendments to the Dividend Reinvestment and Stock Purchase Plan requires an affirmative vote of a majority of the shares present or represented at the meeting.

The fees and expenses to be incurred by AEP in connection with the solicitation of proxies are estimated at $192,000. Additional information as to the fees and expenses to be incurred in connection with the proposed amendments to the Plan will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1977, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any nonotices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is appearing to the Commission that the declaration, as amended, insofar as it proposes the solicitation of proxies from AEP's common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies from AEP's common stockholders be, and it hereby is, permitted to become effective forthwith pursuat to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9774 Filed 3-31-77;8:45 am]

[Release No. 34-13400; File No. SR-BSPS-77-3]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Proposed Rule Change by Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 10, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is the change in St. Louis, Missouri and Kansas City, Kansas facilities from correspondent arrangements to BSPS branch clearance facilities in St. Louis, Missouri and Kansas City, Missouri. These facilities are similar to the additional branches approved by the Commission in Rel. No. 34-12915 dated October 12, 1976.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose is to insure present and potential customers timely clearance of securities transactions in each of these locations.

These facilities will help to provide for the continued prompt and accurate clearance of security transactions in each of the regional locations. It will allow for any qualified bank or broker/dealer to utilize these facilities for the prompt and accurate clearance of their respective securities transactions.

Verbal comments received from existing customers and potential customers indicate a continued need for our services in these cities.

BSPS is of the opinion that converting these facilities will not impose any burden on competition.

On or before May 6, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 22, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 23, 1977.

[FR Doc.77-9771 Filed 3-31-77;8:45 am]

[Release No. 9685; 811-2404]

CAROLINA PALMETTO INCOME INVESTORS

Filing of Application for an Order Declaring That Carolina Palmetto Investors Has Ceased To Be an Investment Company

Notice is hereby given that Carolina Palmetto Income Investors ("Applicant"), Suite 1709, Bankers Trust Towers, P.O. Box 11877, Columbia, South Coralina 29211, registered as a closed-end diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 16, 1976 and an amendment thereto on March 3, 1977, pursuant to section 8(f) of the Act, for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a South Carolina limited partnership, registered under the Act on September 21, 1973. Applicant states that it neither raised any capital nor conducted any business whatsoever except the filing of its registration under the Act and its application herein. Applicant states that it has no assets.

Applicant represents that its general partners met on December 1, 1975 and unanimously resolved to terminate the partnership and apply for an order declaring that Applicant has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 15, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9776 Filed 3-31-77;8:45 am]

[Release No. 9690; 812-4100]

CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND

Filing of Application of the Act for Extension of Exemption

MARCH 22, 1977.

Notice is hereby given that Central States, Southeast and Southwest Areas Pension Fund ("Applicant"), 8550 West Bryn Mawr Avenue, Chicago, Illinois 60631, has filed an application on March 3, 1977 for an order of the Commission pursuant to sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act"), to extend the termination date of the order previously requested by Applicant (File No. 812-4026) until the earlier of April 30, 1977 or such date as the Internal Revenue Service ("IRS") shall have made a final administrative agency determination of Applicant's status under Internal Revenue Code ("Code") section 401. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant submits that the IRS probably will not have made a final administrative agency determination as to its Code section 401 status by March 31, 1977, which is the date upon which the exemptive order previously requested of the Commission will terminate. Applicant believes that, in such event, its status under the Act again will be uncertain, and that such situation will seriously inhibit and interfere with Applicant's ability to retain independent professional investment advisers and custodians.

On March 22, 1977, subsequent to the date Applicant filed the present application, an order (Investment Company Act Release No. 9687) was issued granting exemption retroactively from specified provisions of the Act and exemption, effective September 10, 1976 until the earlier of March 31, 1977 or the final administrative determination by the IRS of Applicant's status under Code section 401, from sections 7, 8, 10(e), 13(a), 15(a), 15(c), 16, 17(a), 17(d), 17(g), 18, 21(a), 24(b), 30, 31, and 32 of the Act, provided that: (1) The exemption from section 17(a) shall not apply to any transaction in which the terms are not reasonable or fair to Applicant or which involves overreaching by the party to the transaction other than Applicant, or which is a prohibited transaction under the Employees Retirement Income Security Act of 1974 ("ERISA") section 406, unless exempt under ERISA section 408; (2) the exemption from section 17(d) shall not apply to any transaction in which the participation by Applicant is on a basis less advantageous than that of the other participant, or which is a prohibited transaction under ERISA section 406, unless exempt under ERISA section 408; (3) Applicant shall furnish to the Commission, upon request, copies of any and all reports, schedules, records, analyses and financial statements produced and maintained by either Applicant or its custodian bank relating to Applicant's assets, investments, purchases or sales of securities, mortgage loans, or renewals or revisions thereof; (4) the Commission, or any member or representative delegated by the Commission, shall have the right to conduct, at any time and from time to time, such reasonable periodic, special, or other examinations, as the Commission may prescribe, of all records the Applicant maintains; and (5) during the term of the order, Applicant, its investment managers, and all other presons in their transactions with or on behalf of the Applicant shall be subject to and comply with (a) all provisions of the Act, and rules and regulations thereunder, from which no exemption has been granted, as though Applicant were a registered investment company, and (b) the terms and conditions of the order.

Section 6(c) of the Act provides in part that the Commission by order upon application may conditionally or unconditionally exempt any person or or transaction from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) of the Act provides that if, in connection with any rule, regulation, or order under this section exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of this Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Applicant submits that the issuance of the order requested hereby is consistent with the public interest and the purposes fairly intended by the policy and provisions of the Act, particularly in light of its limited duration and coordination with the termination date for certain temporary relief granted by the IRS.

Notice is further given that any interested person may, not later than April 11, 1977, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to

be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9768 Filed 3-31-77;8:45 am]

[Release No. 13398; SR-CBOE-76-24]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Approval of Proposed Rule Change

On December 8, 1976, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder copies of a proposed rule change. The filing was amended on March 11, 1977. The rule change would allow the option price to more accurately reflect the price change in the underlying issue.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13079 (December 16, 1976) and by publication in the FEDERAL REGISTER (41 FR 55956) (December 23, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 8, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9778 Filed 3-31-77;8:45 am]

[Rel. No. 9691; 811-1647]

COLUMBINE FUND, INC.

Filing of Application of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that The Columbine Fund, Inc. ("Applicant"), 789 Sherman Street, Suite 410, Denver, Colorado 80202, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 18, 1976, and an amendment thereto on February 25, 1977, pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a corporation under the laws of Maryland, and engaged in a public offering of its shares of common stock from July 24, 1970, to shortly before October 1, 1973 pursuant to an effective registration statement under the Securities Act of 1933.

On September 13, 1974, Applicant's Board of Directors unanimously resolved that it was advisable that Applicant be voluntarily dissolved. On September 19, 1975, the shareholders of Applicant approved the dissolution. Thereafter, Articles of Dissolution were prepared and filed and accepted for filing in Maryland during February 1976. As of September 1, 1976, Applicant was not conducting business operations except for activities involved in connection with its dissolution and distribution of its assets.

Applicant has distributed its assets to all of its shareholders except one and is in the process of locating its one remaining shareholder to make distribution to him. As of February 9, 1977, Applicant had 139.908 shares outstanding, held by the sole remaining shareholder, and assets of $881. The $881 will be held in trust in a non-interest bearing account by Computech Fund Services, Inc., Applicant's transfer agent, until such time as under Maryland law such sum will escheat to that State, or until such shareholder is found and amounts owed are distributed to him, whichever is sooner.

Section 8(f) of the Act provides in part that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9780 Filed 3-31-77;8:45 am]

[Release No. 34-13401]

COMMENCEMENT OF PILOT PROGRAMS IN PUT OPTIONS TRADING

Letter Sent; Pending Proposals

Upon authorization by the Commission, the Division of Market Regulation, on March 4, 1977, sent letters to the chief executive officers of the American Stock Exchange, Inc., Chicago Board Options Exchange, Incorporated, Midwest Stock Exchange, Incorporated, Pacific Stock Exchange Incorporated and the Philadelphia Stock Exchange, Inc. concerning their pending proposals for the commencement of puts option trading on their respective exchanges (SR-Amex-76-11, SR-CBOE-75-7, SR-MSE-76-26, SR-PSE-76-8 and SR-PHLX-76-10, respectively).

The text of the letter is as follows (The bracketed material appeared only in the letter to the American Stock Exchange, Inc.; the double bracketed material appeared in letters to the American Stock Exchange, Inc. and the Chicago Board Options Exchange, Incorporated):

The Commission has determined it will approve the Exchange's proposed rule changes to permit put options trading on a pilot basis on the Exchange (the "Puts Proposal"), provided that the Exchange satisfactorily amends its filing in the respects described below and, in addition, that the Exchange satisfies the Commission, by representations in writing prior to such approval, that it has adequately addressed itself to the other matters mentioned below.

To ensure a sufficient period for completing the appropriate educational and training efforts, and for the implementation of internal exchange procedures for surveillance of its marketplace and member firms, which will be necessary prior to the commencement of put options trading, the Puts Proposal should state the Exchange's intention not to begin such trading before June 1, 1977.

The Commission believes that the size of the initial puts pilot should be more limited than has been proposed and that, to the maximum extent feasible, experience should

be gained prior to further expansion. First, the Commission believes that the initially authorized put classes should be upon underlying stocks as to which the Exchange will have already experienced at least one expiration date in call options. Second, the Commission wishes to limit to approximately five, the number of underlying securities on which put options trading may be commenced at this time. Third, the Commission recognizes that the Exchange may wish to expand its puts pilot at an appropriate time in the future. In this regard, we expect to review by November 7, 1977, the experience of each of the options exchanges commencing puts pilots and the progress each makes in substantially resolving the concerns the Commission has with respect to the surveillance and other regulatory efforts of the respective options exchanges. At such time and upon satisfaction of those concerns, the Commission will consider a further expansion of each of the puts pilots.

The Commission believes it is undesirable to prohibit the listing of put options in dually traded classes. However, it also recognizes that, during the puts pilot, the limitation on the authorized number of put classes may have inequitable competitive effects should one or more exchanges authorized to trade put options do so on dually traded options while the other exchange(s) also trading that option class are precluded, by the limitation on the number of put classes mentioned previously, from also trading put options on that class. With the foregoing points in mind, the Commission requests that you contact, Mr. Martin Moskowitz, Assistant Director of the Office of Self-Regulatory Oversight of this Division, to discuss the most appropriate method of resolving this problem. Following these conversations, the Exchange will be expected to file appropriate amendments to its Puts Proposal.

With respect to position limits, the Puts Proposal should be amended such that all participants [, including options specialists,] trading options on the Exchange are subject to uniform position limits of a maximum of 1,000 contracts on the same side of the market. That is, the Puts Proposal should provide for an Exchange rule which unambiguously states that no person, or group of persons acting together, may hold more than 1,000 long call options or 1,000 short put options (or any combination of long call options or short put options not to exceed an aggregate of 1,000 contracts) and 1,000 short call options or 1,000 long put options (or any combination of short call options and long put options not to exceed an aggregate of 1,000 contracts). There are to be no exceptions for options positions covered by stock or spread positions. The current Exchange rule limiting positions to 500 contracts per expiration period, except for covered and spread positions, may be eliminated. Of course, the Commission expects to review those limits in the light of further experience.

With the increase in trading volume and the added complexity in trading that may be anticipated as a result of the commencement of trading in put options, the Commission is concerned that Exchange members be able to complete transactions in standardized options in a timely and accurate manner. Accordingly, the Commission expects that, prior to the commencement of trading in put classes, the Exchange will have assured itself that its members have the capacity to compare, clear, settle and identify to customer accounts all transactions in standardized options in accordance with the rules of the Exchange and the Options Clearing Corporation and with sound business practice. In addition, the Commission would expect the Exchange to determine that its member firms promptly reconcile or otherwise resolve uncompared trades and trades not identified to customer orders.

With respect to customer margin requirements, the Exchange may wish to consult with the other options exchanges in order to arrive at a uniform allocation procedure for the computation of margin, thereby minimizing the number of calculations required when put options are traded in conjunction with call options. Furthermore, the Exchange should review its present margin rules in light of the recently adopted uniform margin rule of the Federal Reserve Board in order to determine whether there are any inconsistencies which should be resolved. In addition, the Exchange should allocate additional resources for monitoring its members' margin calculation and supervisory procedures to ensure that such member firms have a complete understanding of the margin rules and that appropriate margin is required.

During the course of the Commission's recent investigations of various options selling practices, it was noted that problems exist regarding the procedures for identifying and retrieving data on a particular options transaction. The problem appears to have arisen because of computer programming techniques which did not allow for identification of records of a specific options series. Since it is our understanding that technology is presently available to correct this problem, the Exchange should consider the prompt adoption of recordkeeping requirements.

[The staff has previously expressed to the Amex the Commission's concern that the Amex institute as promptly as possible a reliable audit trail to enable the Amex to trace back a particular reported trade to the parties consummating it. Such an audit trail is essential to the effective and efficient surveillance of options trading on the Amex. We understand from a letter from Mr. Robert J. Birnbaum, Executive Vice President of the Amex, dated December 13, 1976, and subsequent telephone conversations, that the Amex has instituted, as an interim measure, a system whereby the selling party to each reported transaction can be identified by a manual retrieval of mark sense cards. While we have not yet received evaluation reports of that system nor have we had the opportunity to inspect the system's on-floor operation, we anticipate that the described features of this audit trail system will be satisfactory as a preliminary matter. You should be further advised that the Commission will approve your proposed rule change (SR-Amex-75-15) to establish a new class of memberships to be known as options principal members when we have concluded that there is satisfactory evidence that the Amex has implemented such an audit trail.]

[However, the Commission notes that the Amex's current version of an audit trail system will not produce for each reported trade on an easily observable computer print-out the identities of the executing members on both sides of each transaction, including the clearing firms, correlated to reported transactions. While we realize that other systems designed to produce such accountability in a computer readable format may sacrifice some efficiency in the speed of reporting, we believe it imperative that the Amex mave to attain such capability in an audit trail at the earliest opportunity.]

To avoid undue procedural delays, we encourage your prompt attention to the preceding points. [[Some of these concerns were addressed in the Division's letter of January 31, 1977, and are being considered by you now.]] Should you have any questions, please feel free to contact members of this Division.

Sincerely,

LEE A. PICKARD,
Director.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 23, 1977.

[FR Doc.77-9767 Filed 3-31-77;8:45 am]

[Rel. No. 19947; 70-5976]

EASTERN UTILITIES ASSOCIATES

Proposed Increase in Number of Authorized Shares of Common Stock; and of Proposed Amendment of Declaration of Trust and Order Authorizing Solicitation of Proxies in Connection Therewith

Notice is hereby given that Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts, 02107, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7 and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

EUA proposes, subject to obtaining shareholder approval, to amend its Declaration of Trust ("Charter") in several respects. EUA proposes that the maximum number of shares of authorized $5 common stock be increased from 4,000,000 to 7,000,000. Presently, there are 3,600,000 such shares outstanding.

EUA states that it now expects, subject to market conditions and other factors which may effect such financing, that it will offer for public sale 600,000 common shares in May, 1977 and is likely to offer for public sale approximately 600,000 to 700,000 common shares in each of the years 1978, 1979, 1980 and 1981.

EUA states that construction requirements for the EUA System are presently estimated at $23 million, $27 million, $30 million, $34 million and $34 million for the years 1977, 1978, 1979, 1980 and 1981, respectively.

EUA further proposes to amend the Charter provisions concerning pre-emptive rights to permit the Trustees, should they find it desirable, to authorize the issuance and sale of additional shares of common stock pursuant to a plan whereby any shareholder can purchase such shares by reinvesting dividends or by making limited optional cash payments or pursuant to a plan for ownership of shares by employees of EUA and its direct and indirect subsidiaries.

EUA states that this amendment would provide the Trustees with added flexibility in raising its capital requirements.

EUA further proposes to amend the Charter to provide that action may be taken by the Trustees without a meeting

if all the Trustees consent in writing to such action and/or that the Trustees or members of any committee of Trustees may participate in meetings by means of a conference telephone. EUA states that such provisions are expressly permitted by the Massachusetts corporate statutes.

EUA proposes to call an annual shareholders meeting of stockholders on or about April 25, 1977. EUA proposes to solicit proxies from its common shareholders of record as of March 11, 1977, through the use of proposed proxy materials, to obtain the requisite approval of the proposed amendments to the Charter. The proposed form of proxy also solicits proxies either for or against the election of a specified slate of trustees for the ensuing year.

The favorable vote of at least a majority of EUA's common stock outstanding and entitled to vote is required to increase the number of authorized shares of common stock. Passage of the other two proposed amendments requires the affirmative vote of at least two-thirds of EUA's common stock outstanding and entitled to vote.

Fees, commission and expenses to incurred in connection with the proposed transaction, will be supplied by amendment. It is stated that no state and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, as amended, insofar as it proposes to solicitation of proxies from EUA's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies of EUA's stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9777 Filed 3-31-77;8:45 am]

[Rel. No. 9688; 812-4071]

KANSAS VENTURE CAPITAL, INC.

Filing of Application for Order Exempting Company From All Provisions of the Act

MARCH 22, 1977.

Notice is hereby given that Kansas Venture Capital, Inc. ("Applicant"), 1030 First National Bank Building, Topeka, Kansas 66603, a Kansas corporation, filed an application on December 27, 1976, and an amendment thereto on March 18, 1977, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant rperesents that it was organized solely for the purpose of operating as an investment company under the Small Business Investment Act of 1958 ("SBIA"), as amended, and that it has filed an application with the Small Business Administration for a license under the SBIA. Such application is pending. Applicant intends to provide equity capital and to make long-term loans to small business concerns in the State of Kansas.

Applicant's authorized capital of $2,500,000 is represented by 250,000 shares of common stock with a par value $10 per share. To date, none of its common stock has been sold. It is planned that Applicant will issue and sell approximately 55,100 shares of its common stock to Kansas Development Credit Croporation, Inc. ("KDCC"), a Kansas corporation, at a price of $10 per share. It is contemplated that subsequent to that transaction Applicant will sell its common stock solely to state and national banks located in and doing business in the State of Kansas in such a manner that KDCC will be the majority stockholder of Applicant at all times. Applicant represents that there are 613 national and state banks within the State of Kansas, and that 188 banks have indicated an interest in the formation of Applicant and of becoming stockholders of Applicant. The stock will be sold at its par value of $10 per share and no commission or other remuneration for solicitation or sale of the stock will be paid. No stock will be sold to individuals. Applicant represents that after the sale of common stock to KDCC and to such state and national banks within the State of Kansas that initially purchase stock of Applicant, there is no intention to offer any stock of Applicant in the future.

Applicant represents that the law of the State of Kansas authorizes Kansas state banks to subscribe to, buy and own stock in not more than one small business investment company in Kansas, except that in no event shall any such bank hold shares in such company in an amount aggregating more than 1 percent of its capital and surplus. Applicant represents that the amount of common stock of Applicant sold to any Kansas bank will not exceed ¼ of 1 percent of that bank's capital and surplus.

Applicant represents that such state and national banks, as well as KDCC, are sophisticated in securities matters and will purchase such stock for investment purposes only and not for the purpose of resale. All stock certificates will be appropriately legended. Applicant represents that KDCC does not and will not own securities of any other small business investment company and there is no stockholder owning 10 percent or more of KDCC's voting stock. Applicant further represents that each bank investor will have access to Applicant's books and records.

KDCC and the Kansas state banks which are proposed purchasers of the common stock of Applicant are subject to examination, supervision and control by the Bank Commissioner of the State of Kansas. The national banks within the State of Kansas which are proposed purchasers are subject to examination, supervision and control by the Comptroller of the Currency. Applicant represents that all of the proposed purchasing state banks are engaged in safe and sound banking practices.

All directors of Applicant shall be residents of the State of Kansas. Two-thirds of the directors shall be elected by the stockholders in such a manner that at least one director of said two-thirds shall be a resident of each of the geographical areas represented by the various Kansas Bankers Association's groups. One-third of the directors shall be elected by stockholders, at large.

Since Applicant will be primarily engaged in the business of investing, reinvesting, holding and owning securities, Applicant is an investment company within the definition of section 3(a) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act. Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order

a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9769 Filed 3-31-77;8:45 am]

[Release No. 9686; 812-3963]

MONTGOMERY STREET INCOME SECURITIES, INC.

Application for an Order of the Act for Exemption

Notice is hereby given that Montgomery Street Income Securities, Inc. ("Applicant"), 315 Montgomery Street, San Francisco, California 94137, a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as a diversified, closed-end management investment company, has filed an application on June 1, 1976 and amendments thereto on July 23, 1976, November 2, 1976, March 9, 1977 and March 21, 1977, pursuant to section 6(c) of the Act, for an order of exemption from section 18(c) of the Act to permit Applicant to have outstanding privately arranged indebtedness while engaging in the lending of its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Section 18(c) of the Act states in part that it shall be unlawful for any registered closed-end investment company to issue or sell any senior security representing indebtedness if immediately thereafter such company will have outstanding more than one class of senior security representing indebtedness.

Section 18(g) of the Act in part states that "senior security" means any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness and "senior security representing indebtedness" means any senior security other than stock.

Applicant represents that it is engaged in lending of portfolio securities and that such loans are secured by cash and other collateral. Applicant requests that, assuming only for the purpose of this application that an obligation to return collateral deposited to secure the return of borrowed securities creates a senior security within the meaning of section 18(g) of the Act, it be exempted from section 18(c) of the Act to permit Applicant to engage in portfolio lending activities while having outsanding privately arranged indebtedness.

Applicant has agreed that the requested order may be effective only with respect to securities loan transactions effected in compliance with the following conditions:

(1) At the time of a loan, Applicant receives from or on behalf of a borrower collateral, consisting of cash or securities issued or guaranteed by the United States Government or its agencies, or any combination thereof, equal to not less than 100 percent of the market value of the securities loaned;

(2) A borrower agrees to add to collateral to cover increases in the market value of loan securities over the amount of the cash collateral on deposit or, in the case of non-cash collateral, over the market value thereof, or, if the original collateral is reasonably calculated to cover such increases, the borrower is obligated to deposit additional collateral when the collateral on deposit, as theretofore adjusted, appears to be inadequate, and Applicant shall require the deposit of additional collateral not later than the business day following the business day on which a collateral deficiency occurs or collateral appears to be inadequate, as the case may be;

(3) Upon termination of a loan, whether by a borrower or Applicant, a borrower shall be obligated to redeliver the borrowed securities; if Applicant terminates a loan, a borrower shall be obligated to effect such a redelivery within not more than five business days after notice;

(4) The borrower agrees (a) that Applicant is to receive all dividends, interest or other distributions on loaned securities and (b) to pay to Applicant a reasonable return on such loan either in the form of a loan fee or premium (which gives proper weight to prevailing interest rates) or from the retention by Applicant of part or all of the earnings and profits realized by Applicant from the investment of cash collateral (which Applicant has undertaken to the Commission will be invested only in bank certificates of deposit or other short-term instruments);

(5) Applicant shall not be required to pay any fees in connection with a loan, except (a) reasonable fees to a custodian where such fees are negotiated between the Applicant and the custodian, reduced to a written contract, and approved by the Applicant's directors, and (b) fees to a loan broker provided (i) the broker has disclosed to the Applicant that it is possible to loan portfolio securities without incurring such fees, (ii) neither the loan broker nor any of its affiliates is an affiliated person of Applicant, its investment adviser or any principal underwriter of Applicant, (iii) the loan broker receives a written representation of Applicant that Applicant's Board of Directors, or either a committee thereof or Applicant's investment adviser, acting within the general guidelines established by Applicant's Board of Directors, has determined that such fee is reasonable and based solely on the services rendered by such loan broker, and (iv) if under the terms of a specific loan transaction there is to be a payment by Applicant, either directly or through a loan broker from any fee paid by Applicant, to the borrower (a loan transaction may or may not include such a payment) Applicant's Board of Directors, or either a committee thereof or Applicant's investment adviser, acting within general guidelines established by Applicant's Board of Directors, shall separately consider (before making such a payment to comply with the terms governing the transaction) the reasonableness of any such payment and the reasonableness of the return to Applicant after giving effect to such a payment;

(6) In the event management has knowledge that a material event will occur affecting an investment on loan and in respect of which the holder of such investment, as such, will be entitled to vote or consent, Applicant will call the loan in time to vote or consent or will otherwise obtain rights to vote or consent;

(7) Applicant will not make a loan if, as a result, more than one-third of its total asset value (at market value computed at the time of making a loan) would be on loan; and

(8) Applicant make appropriate disclosures regarding securities loans in any prospectus it may be required to provide under the Securities Act of 1933, and effect any such loan only in accordance with the policies contained in its registration statement filed under the Act, unless otherwise authorized by shareholder vote.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation under the Act if and to the extent that such exemption is necessary or appropriate in the pubhlic interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 15, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of any attorney-at-law by certificate) shall be filed contemporaneously with the request. As

provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9775 Filed 3-31-77;8:45 am]

[Release No. 9693; 812-4104]

NEL TAX EXEMPT BOND FUND, INC. AND NEL EQUITY SERVICES CORP.

Filing of Application of the Act for an Order Exempting Applicants

MARCH 24, 1977.

Notice is hereby given that NEL Tax Exempt Bond Fund, Inc. ("Fund"), a diversified, open-end investment company registered under the Investment Company Act of 1940 ("Act"), and NEL Equity Services Corporation ("Services") (collectively referred to as "Applicants"), 501 Boylston Street, Boston, Massachusetts 02117, filed an application on March 7, 1977 for an order, pursuant to section 6(c) of the Act, exempting Applicants from section 22(d) of the Act to the extent necessary to permit the application of amounts payable under insurance contracts issued by New England Mutual Life Insurance Company ("New England Life") to purchase shares of the Fund at reduced sales loads. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund was organized as a Massachusetts corporation on December 22, 1976, by New England Life, and has filed a registration statement on Form S-5 which has not yet been declared effective. The application states that the Fund intends to commence a continuous offering of its shares not less than 60 days after completion of its initial offering which will be for a period of approximately 45 days. It is stated that Services, a wholly owned subsidiary of New England Life, is the principal underwriter for the shares of the Fund, and will receive on the sale of Fund shares the underwriting discount or sales charge described in the then current prospectus of the Fund.

According to the application, shares of the Fund will be offered to the public during the Fund's initial offering period on the following basis:

Amount of purchase	Public offering price	Underwriting discount		
		Dollar amount	Percentage of—	
			Public offering price	Net amount invested
Less than $25,000	$10.00	$.45	4.50	4.71
$25,000 but less than $50,000	9.95	.40	4.02	4.19
$50,000 but less than $100,000	9.90	.35	3.54	3.66
$100,000 but less than $250,000	9.85	.30	3.05	3.14
$250,000 but less than $500,000	9.80	.25	2.55	2.62
$500,000 but less than $1,000,000	9.75	.20	2.05	2.09
$1,000,000 and over	9.65	.10	1.04	1.05

The Applicants represent that during the continuous offering the Fund intends to offer its shares at net asset value per share plus a maximum sales charge of 4.5 percent of the public offering price. It is asserted that shares of the Fund will be sold exclusively by New England Life insurance agents who are registered representatives of Services.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. This section has been construed to prohibit variations in the sales load except as permitted by rule or order.

Applicants request an exemption from section 22(d) of the Act to permit the application of amounts payable under insurance contracts (other than such contracts which constitute securities of an "open-end investment company" as defined under the Act) issued by New England Life (e.g., the death benefit under life policies, the maturity value of endowment contracts and the cash surrender value of life insurance and annuity contracts) to purchase shares of the Fund at reduced underwriting discounts or sales charges equal to one-half the rate otherwise applicable.

Applicants represent that the premiums paid on the insurance contracts which constitute the source of the insurance proceeds will already have been subjected to sales charges, and that the sales efforts involved in sales of this type will be markedly reduced as compared with sales to new prospects. Therefore, the Applicants assert that the proposed exemption does not involve unfair discrimination and is in fact necessary to avoid unnecessary and inequitable duplication of sales charges to purchasers of this class. Applicants further assert that the proposed exemption presents no significant threat to the orderly distribution of redeemable investment company securities. Accordingly, Applicants submit that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or rules and regulations promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 19, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9765 Filed 3-31-77;8:45 am]

[Release No. 19955; 70-5754]

OHIO EDISON CO.

Proposed Issuance and Sale of Common Stock Pursuant to a Dividend Reinvestment and Stock Purchase Plan

MARCH 24, 1977.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 76 South Main Street, Akron, Ohio 44308, a registered holding company, has filed a post-effective amendment to the application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transac-

tion. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison Company ("Ohio Edison") proposes to issue and sell not more than 275,000 shares of its authorized but unissued common stock, par value $9 per share (the "Additional Common Stock") pursuant to its Dividend Reinvestment and Stock Purchase Plan (the "Plan"). It is anticipated that the shares of Additional Common Stock will be issued and sold from time to time through April 30, 1979, the majority of such shares being sold on or prior to April 30, 1978.

By order dated March 31, 1976 (HCAR No. 19454) the Commission authorized the issuance and sale through April 30, 1977 pursuant to the Plan of not more than 250,000 shares of the Company's common stock. Although no precise number will be known until April 30, 1977, the Company currently estimates that, of the 250,000 shares, approximately 25,000 shares will remain unsold as of April 30, 1977. Therefore, Ohio Edison also proposes to add any such shares which remain unsold to the Additional Common Stock and to sell all such shares pursuant to the Plan, as amended, no later than April 30, 1979.

The Additional Common Stock will be offered to all of Ohio Edison's common stockholders pursuant to a voluntary plan whereby such stockholders may elect to (a) have dividends on their shares of common stock reinvested or (b) can continue to receive their cash dividends on shares registered in their names and invest by making optional cash payments of not less than $10 per payment nor more than a total of $5,000 per quarter or (c) invest both their cash dividends and such optional cash payments.

No service charge or commission will be paid by participants in connection with purchases under the Plan, and participants will retain all voting rights relating to shares purchased under the Plan. A participant will be able to withdraw from the Plan at any time upon written notice.

The purchase price of the Additional Common Stock will be the average of the closing sale price for the Ohio Edison's common stock, as quoted in The Wall Street Journal report of NYSE-Composite Transactions, during the five New York Stock Exchange trading days ending with the investment date (or the next preceding day on which the New York Stock Exchange is open, if it is closed on the investment date). Investment dates will be the last business day of each month. No shares will be sold under the Plan at less than the par value of such shares.

The reason for the proposed issuance of the Additional Common Stock is to provide funds which will enable Ohio Edison to continue its ongoing construction program and to repay a portion of unsecured short-term debt. Ohio Edison estimates its total plant additions for 1977 at $353,587,000 including $352,861,000 in electric plant additions.

Ohio Edison states that, as of the end of February 1977, proceeds from the Plan have totaled $3,623,314.86. Ohio Edison further states that, through February 1977, they have incurred costs of $111,000, including legal fees, in administering the Plan.

The Public Utilities Commission of Ohio has jurisdiction over any issue and sale of the Additional Common Stock. No other state commission and no federal commission, other than this Commission has jurisdiction over the proposed transaction. The fees, and expenses incurred directly or indirectly, in connection with the issuance and sale of the Additional Common Stock will be supplied by amendment.

Ohio Edison considers that the issuance and sale of shares of the Additional Common Stock through the reinvestment of dividends would be excepted from the requirements of paragraphs (b) and (c) of Rule 50 by virtue of paragraph (a)(1) of said Rule. With respect to the issuance and sale of shares of the Additional Common Stock in connection with any optional cash payment provision of the Plan, Ohio Edison hereby requests that the Commission make a finding under paragraph (a)(5) of Rule 50 which would except such issuance and sale from the competitive bidding requirements of Rule 50.

Notice is further given that any interested person may, not later than April 19, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the application-declaration, as amended by the post effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9764 Filed 3-31-77;8:45 am]

[Rel. No. 19954;70-5988]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Proposed Change in Deductions Used To Determine Earned Surplus for Purposes of Common Stock Dividend Limitations and Proposed Issuance and Sale of $50,000,000 in First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission designating sections 6(a), 6(b) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

PSO states that the Supplemental Indentures dated March 1, 1966, January 1, 1969, March 1, 1972, January 1, 1974, and June 1, 1975 (the "Supplemental Indentures"), to its Indenture dated July 1, 1945, under which The First National Bank and Trust Company of Tulsa is Trustee (the "Indenture"), prohibit the payment of common stock dividends (with stated exceptions) in each case in excess of the sum of (a) earned surplus determined as provided in the Supplemental Indentures after a specified date, (b) a stated dollar amount of earned surplus at such specified date and (c) such additional amount as may be authorized or approved, upon application of the Company (PSO), by the Securities and Exchange Commission, or any successor commission thereto, under the Public Utility Holding Company Act of 1935. The determination of earned surplus requires that a deduction from gross income be made for maintenance, repairs and as charges for depreciation retirements, renewals, replacements and/or amortization in an amount not less than 15 percent of PSO's gross operating revenues for the period in question.

PSO states that inasmuch as it has fuel adjustment clauses covering virtually all of its sales, which enable it to recover in general substantially all of the higher fuel costs, its operating revenues have been greatly inflated over the period—and with them the maintenance and renewal fund requirement and the related earnings test deduction.

PSO states that, for the years 1972-1976 fuel costs as a percentage of operating revenues (less purchased power) has risen from 22.9 percent to 50.8 percent. PSO anticipates that this inflation will restrict its historical dividend payout ratio beginning sometime later in 1977. PSO requests authorization to pay common stock dividends out of earned surplus earned after December 12, 1976, determined as provided in the Supplemental Indentures but after deducting on account of depreciation, retirement, renewals, replacements and or amorti-

zation an amount equal to 13 percent of the average amount of its depreciable bondable property as of the specified data. PSO states that it would accept a further limitation upon such authorization to the effect that no common stock dividend payment could be made out of such additional earned surplus except to the extent that such surplus had been earned during the 12 calendar months immediately preceding the payment of such dividend.

PSO further states that the dividend restriction in effect under section 16 of Article III of the Indenture, which is incorporated into the Supplemental Indentures and applies to all presently outstanding series of bonds other than the Series N bonds, aggregating $191,500,000 in principal amount and maturing from 1978 through 2004, does not contain separate provisions expressly permitting the Commission to authorize payment of common stock dividends out of otherwise restricted amounts of earned surplus. This restriction similarly involves minimum deductions for maintenance, repairs and depreciation based on operating revenues, and these present potentially the same threat to PSO's ability to maintain its dividend pay-out ratios as do the restrictions in later Supplemental Indentures. In the case of the early Supplemental Indentures, however, since earned surplus is in every case calculated on a cumulative, historical basis, there is a substantial cushion of unrestricted surplus accumulated in prior years in which deductions for maintenance, repairs and depreciation did not exceed actual expenditures or accruals for these purposes. If this cushion is exhausted before the maturity of the series of bonds issued under the early Supplemental Indentures, PSO would have to redeem the bonds involved prior to maturity, attempt legal action to permit deviation from the terms of the Indenture and Supplemental Indenture covenants or seek other, presently undetermined remedies.

PSO also proposes to issue and sell, pursuant to competitive bidding, up to $50,000,000 principal amount of its First Mortgage Bonds ("Bonds"), Series 0, to mature May 1, 2007. The price of the Bonds, which will not be less than 99 percent or more than 102.75 percent of the principal amount and the interest rate, which will be a multiple of ⅛ of 1 percent, will be determined by the competitive bidding.

The bonds will be issued under and secured by the Indenture, as amended and to be further amended by a proposed supplemental indenture to be dated May 1, 1977 and will not be refundable through the use of lower cost money until May 1, 1982.

The proceeds to be derived by PSO from the sale of the Bonds will be used by PSO to finance 1977 capital expenditures. The proposed consolidated capital expenditures of PSO for the calendar year 1977 are presently estimated as follows:

	1977
Generation	$110,000,000
Transmission	19,000,000
Distribution	17,000,000
Fuel exploration and development	27,000,000
Other	8,000,000
Total	181,000,000

No proceeds, however, will be utilized to pay the cost of facilities which would be needed to provide service to customers of PSO if it were not part of the Central and South West System nor will any expenditures be made by PSO for the construction or acquisition of any facility not so needed prior to the time all of such proceeds have been expended.

In addition, PSO states that no expenditures will be made in 1977 on construction of a transmission line from Lawton to the Red River and the terminal for that line prior to the approval by the Commission of a transfer to West Texas Utilities Company of a portion of PSO's Northeastern Units 3 and 4 or the giving of a notice as represented by PSO in the proceedings "In the Matter of Central and South West Corporation, et al." (Admin. Proc. File No. 3-4951).

It is stated that no state commission and no federal commission other than this Commission has jurisdiction over the proposed additional dividend transaction. It is also stated that no state commission other than the Corporation Commission of the State of Oklahoma, and no federal commission, other than this Commission has jurisdiction over the proposed issuance and sale of the Bonds.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $145,000 including $17,500 in legal fees.

Notice is further given that any interested person may, not later than April 18, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9779 Filed 3-31-77;8:45 am]

[File No. 500-1]

ROM-AMER PHARMACEUTICALS, LTD.

Suspension of Trading

MARCH 24, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Rom-Amer Pharmaceuticals, Ltd., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. (EST) on March 24, 1977 through April 2, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9762 Filed 3-31-77;8:45 am]

[Release No. 19951; 70-5980]

SOUTHERN CO.

Proposed Issuance and Sale of Common Stock Pursuant to a Dividend Reinvestment Plan and an Employee Savings Plan

Notice is hereby given that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell from time to time through April 30, 1979, a maximum of 2,375,000 shares of its authorized but unissued common stock, par value $5 per share, pursuant to a Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). Southern intends to apply the proceeds from the sale of the proposed common stock (such proceeds estimated not to exceed $38,300,000) for further equity investments as authorized by this Commission (See File No. 70-5978.) and for other corporate purposes.

In addition, the Commission has authorized the issuance and sale through

March 31, 1977, pursuant to the Dividend Plan of not more than 2,250,000 shares of Southern's common stock (HCAR No. 19498 (April 26, 1976)). Southern estimates that of the 2,250,000 shares, approximately 525,000 shares will remain unsold as of March 31, 1977. Southern proposes to add any shares which remain unsold to the 2,375,000 shares discussed in the preceding paragraph and to sell all such shares (the aggregate of the 2,375,000 shares and any remaining unsold shares being hereinafter referred to as the "Additional Common Stock") pursuant to the Dividend Plan, as amended, no later than April 30, 1979.

The Additional Common Stock will be offered to all holders of record of Southern's common stock pursuant to a voluntary plan whereby shareholders may elect to (1) have dividends on all of their shares of Southern common stock automatically reinvested in shares of Additional Common Stock at a price equal to 95 percent of the average of the closing sale price of Southern's common stock for the five New York Stock Exchange trading days ending with the dividend payment date, or (2) reinvest less than all of their dividends in shares of Additional Common Stock at a price equal to 95 percent of said closing price average, or (3) reinvest all or less than all of their dividends as described above and, in addition, make optional cash payments (not less than $25 per payment nor more than a total of $3,000 per quarter) to invest in shares of Additional Common Stock at a price equal to 100 percent of the closing price average, or (4) continue to receive cash dividends on all shares registered in their names and invest only optional cash payments. The First National Bank of Atlanta will administer the Dividend Plan and make purchases of shares as agent for the participants. No service charge or commission will be paid by participants in connection with purchases under the Dividend Plan.

Participants will retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. A participant will be able to withdraw from the Dividend Plan at any time upon written notice. Upon withdrawal, the participant will be issued, without charge, a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share. Without withdrawing from the Dividend Plan, a participant will be entitled to demand and receive a certificate representing the full shares of common stock credited to his account. Southern reserves the right to suspend, modify (subject to Commission approval), or terminate the Dividend Plan at any time.

Southern also proposes to issue and sell a maximum of 600,000 shares of its authorized but unissued common stock, par value $5 per share, ("New Stock") pursuant to the Employee Savings Plan for The Southern Company System (the "Savings Plan") from time to time through April 30, 1979. Southern intends to apply the proceeds from the sale of the New Stock (estimated not to exceed approximately $9,675,000) for further equity investments authorized by this Commission (See File No. 70-5978.) and for other corporate purposes.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to a voluntary plan under which employees may contribute, through payroll deductions, not less than 2 percent nor more than 12 percent of their compensation (base salary or wages). Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount equal to 50 percent of such of the member's contributions as are not in excess of 6 percent of the member's compensation. The First National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc.

Each Savings Plan member must direct that his contributions be invested in one or more of three funds: (1) Company Stock Fund—consisting of Southern's common stock; (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stock (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments, and investments in certain commingled trust funds; (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness of Southern or its subsidiaries or affiliates, savings account deposits, and investments in certain commingled trust funds. All employing company contributions are invested in the Company Stock Fund.

The Trustee will vote the shares of common stock of Southern held by it in accordance with written directions received from the individual members on whose behalf such shares are held and will not vote any such shares for which voting instructions are not received. The Trustee has the authority to vote all other securities in its discretion. If a pending charter amendment proposal with respect to preemptive rights is approved by Southern's shareholders, the Trustee will be permitted to make purchases of common stock, at a price not greater than the last sale price or current independent bid price (whichever is higher) for such stock on the New York Stock Exchange, directly from Southern other than through the Dividend Plan. Should the charter amendment proposal not be approved by the shareholders, the Trustee will purchase no original issue common stock from Southern except through the Dividend Plan.

Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary

[FR Doc.77-9770 Filed 3-31-77;8:45 am]

[Rel. No. 9692; 811-1632]

TWENTY FIVE FUND, INC.

Filing of Application of Act for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that The Twenty Five Fund, Inc. ("Applicant"), 789 Sherman Street, Suite 410, Denver, Colorado 80202, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 18, 1976, and an amendment thereto on February 25, 1977, pursuant section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a corporation under the laws of Maryland, and engaged in a public offering of its shares of common stock from May 7, 1969, to shortly before July 1, 1973, pursuant to an effective registration statement under the Securities Act of 1933. Prior to July 1, 1973, Applicant ceased offering its shares for sale to the public.

On September 13, 1974, Applicant's Board of Directors unaminously resolved that it was advisable that Applicant be voluntarily dissolved. On October 17, 1975, Applicant's shareholders approved the dissolution. Thereafter, Articles of Dissolution were prepared and filed and accepted for filing in Maryland during February 1976. As of September 1, 1976, Applicant was not conducting business operations except for activities involved in connection with its dissolution and the liquidation of its assets.

Applicant has distributed its assets to most of its shareholders and is in the process of locating its two remaining shareholders to make distributions to them. As of February 9, 1977, Applicant had assets of $668 which will be held in trust for the two shareholders in a non-interest bearing account by Computech Fund Services, Inc., Applicant's transfer agent, until such time as under Maryland law such sum will escheat to that State, or until such shareholders are found and amounts owed are distributed to them, whichever is sooner.

Section 8(f) of the Act provides in part that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affiavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9781 Filed 3-31-77;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 10(a), that the National Market Advisory Board will conduct open meetings on April 18 and 19, 1977, in Room 776, 500 North Capitol Street, Washington, D.C., and on May 16 and 17, and June 20 and 21, 1977, at locations to be determined later. Initial notice of the April meeting was published in the FEDERAL REGISTER on January 27, 1977.

The summarized agenda for the May and June meetings will be published in the FEDERAL REGISTER at a later date. The summarized agenda for the April meeting is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding restrictions on off-board transactions in listed securities by exchange members.
2. Discussion of possible pilot projects relevant to issues considered, or to be considered, by the Board.
3. Requested report of the National Market Association and discussion thereof.
4. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 22, 1977.

[FR Doc.77-9766 Filed 3-31-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

DETROIT DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Detroit District Advisory Council will hold a public meeting on Tuesday, April 26, 1977, at Long's Convention Center, Lansing, Michigan. This meeting will begin with a breakfast at 7:30 a.m., for the Council members only followed by a guest speaker. The meeting is in conjunction with a Multi-Agency Conference being co-sponsored by the Small Business Administration and the Michigan State Chamber of Commerce. Information on the Conference itself is available through the Michigan State Chamber Office in Lansing—(517) 371-2100. For further information on the public meeting write or call Raymond L. Harshman, District Director, U.S. Small Business Administration, Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226 (313) 226-7260.

Dated: March 25, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9736 Filed 3-31-77;8:45 am]

HELENA DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Helena District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, April 28, 1977, at the Montana Club, 6th and Fuller Streets, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Ottley R. Tschache, District Director, U.S. Small Business Administration, P.O. Box 1690, Helena, Montana 59601, (406) 585-5429.

Dated: March 25, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9737 Filed 3-31-77;8:45 am]

[Application No. 06/06-5185]

KAR-MAL VENTURE CAPITAL, INC.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Kar-Mal Venture Capital, Inc. (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The officers and directors are as follows:

Thomas A. Karam, President and Director, 3901 Cedar Hill Road, Little Rock, Arkansas 72202.

Raymond A. Pritchett, Secretary and Director, No. 18 Hogan Loop, North Little Rock, Arkansas 72209.

Max J. Probst, Treasurer and Director, 2302 West 42nd, Pine Bluff, Arkansas 71601.

Idell K. Smith, Director, Lake Shore Motel, Inc., Lake Village, Arkansas 71653.

The Applicant, an Arkansas corporation, will maintain an office in the Park Plaza Shopping Center, University and Markham, Little Rock, Arkansas 72205, and will begin operations with $150,000 of paid-in capital and paid-in surplus derived from the sale of 50 shares of common stock to Kar-Mal, Incorporated, engaged in the wholesale business of men's clothing. Thomas A. Karam is a board member and General Manager of Kar-Mal, Incorporated and is paid a salary for his services.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose partici-

pation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Applicant proposes to provide assistance to socially and/or economically disadvantaged small businesses engaged in retailing men's clothing and operating under the trade name "Tommy's". Merchandise will be purchased by "Tommy's stores" from Kar-Mal, Incorporated. However, not more than 75 percent of the funds provided by the applicant will be used by these stores to purchase goods and services from the parent or any other associates of the applicant.

Any person may, not later than April 18, 1977, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Little Rock, Arkansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 25, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-9735 Filed 3-31-77;8:45 am]

NEW YORK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration New York District Advisory Council will hold a public meeting from 3:30 to 5:00 p.m., on Wednesday, April 27, 1977, in the Executive Dining Room, 10th Floor East, Bankers Trust Company, 280 Park Avenue, New York, New York, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Woodie G. Williams, District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10007, (212) 264-1318.

Dated: March 25, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9738 Filed 3-31-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/47]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on life-saving appliances of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:00 a.m. on Wednesday, April 27, 1977, in Room 8240 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to discuss a draft text of Chapter 3, SOLAS 1960 and consider a U.S. response to the proposal.

Requests for further information on the meeting should be directed to Mr. N. W. Lemley, U.S. Coast Guard. He may be reached by telephone on 202-426-1444.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, JR.,
Acting Director, Office of Maritime Affairs.

MARCH 23, 1977.

[FR Doc.77-9753 Filed 3-31-77;8:45 am]

[Public Notice CM-7/48]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on international multimodal transport and containers of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting from 9:30 a.m. to 5:00 p.m. on Wednesday, April 27, 1977, in Room 8334 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to discuss matters germane to multimodal transport and containers. The following items will appear on the agenda:

Discussion of legislation and regulations regarding the Intergovernmental Maritime Consultative Organization (IMCO) International Convention on Safe Containers (1972);

Discussion of the July 1977, meeting of the IMCO Subcommittee on Containers and Cargoes;

Report of the January 1977, meeting of the ECE Group of Rapporteurs on Container Transport;

Report on the status of Implementation of the ECE Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for Such Carriage (ATP);

Update on Intergovernmental Group on Container Standards (UNCTAD);

Debriefing on Third Intergovernmental Preparatory Group on International Multimodel Transport (UNCTAD); and

Update on IMCO/CCC Customs Convention on Containers (1972).

Any questions concerning this meeting should be directed to either Mr. M. H. Allen, U.S. Coast Guard (202/426-1577) or Mr. Richard E. Johe, Department of State (202-632-1313).

Comments from the public will be welcomed.

CARL TAYLOR, JR.,
Acting Director, Office of Maritime Affairs.

MARCH 24, 1977.

[FR Doc.77-9754 Filed 3-31-77;8:45 am]

[Public Notice CM-7/49]

UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Monday, April 25, in Room 1410 of the State Department, 2201 C Street, NW., Washington, D.C.

There will be two items on the agenda, in addition to any old or new business which members may wish to raise.

1. 9:30 a.m.—12:30 p.m. A discussion of a proposal for the establishment of a "Western Hemisphere Forum."

2. 2:00 p.m.—4:30 p.m. Examination of a proposal for the establishment of a currency convertibility program to encourage the sale abroad of American cultural materials.

Members of the general public may attend and participate in the discussion subject to the instructions of the Chairman. They will be accommodated up to the seating capacity of the room.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Staff Director of the Commission by close of business Thursday, April 21, 1977, of his intention to attend. He may be reached by telephone at 202-632-2764.

Dated: March 24, 1977.

W. E. WELD, JR.,
Staff Director.

[FR Doc.77-9755 Filed 3-31-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHISELS, PUNCHES, HAMMERS AND SLEDGES (WITH OR WITHOUT HANDLES), VISES, C-CLAMPS, AND BATTERY SERVICE TOOLS FROM JAPAN

Antidumping Duties

AGENCY: United States Customs Service, Treasury.

ACTION: Notice of petition filed by American manufacturer, producer or wholesaler.

SUMMARY: This notice is to advise the public that a petition has been filed by an American manufacturer requesting that antidumping duties be assessed with regard to chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan. In addition, it was requested that the scope of the term "battery service tools" be expanded to include that which was initially contained in the class or kind of merchandise under investigation. Interested persons are invited to comment on this action.

EFFECTIVE DATE: This notice is effective on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Lublinski, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

On March 15, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(a)), from counsel acting on behalf of certain American manufacturers and wholesalers of chisels, punches, hammers and sledges, vises, c-clamps and battery service tools, among other things, asserting that a finding of dumping be issued and antidumping duties be assessed on those entries of the abovementioned hand tools from Japan where it has been determined that sales were being made at prices less than the foreign market (or constructed) value, within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.). As a result of a negative determinaton of injury by the International Trade Commission on December 2, 1975 (40 FR 57517), a finding of dumping was not made in this matter, and therefore merchandise of the class or kind in question was not subject to appraisement under the Antidumping Act.

Additionally, the petition asserted that the term "battery service tools" should include battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals), as well as battery terminal lifters. An amendment of the determination of sales at less than fair value, made with regard to the importation of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan and published in the Federal Register on October 21, 1975 (40 FR 49111), excluded from the scope thereof all battery service tools other than battery terminal lifters.

The petition requested the following relief:

1. The Secretary of the Treasury or his delegate should conclude that he erred, as a matter of law, when on October 21, 1975, he published an amendment to his Determination of Sales at Less Than Fair Value ("LTFV") in the case of certain nonpowered hand tools from Japan (40 FR 49111), by excluding from the term "battery service tools" all tools other than battery terminal lifters;

2. The Secetary of the Treasury or his delegate should conclude that the International Trade Commission ("Commission") erred by eliminating from the class or kind of merchandise under investigation in the subject Antidumping Act case all battery service tools other than battery terminal lifters;

3. The Secretary of the Treasury or his delegate should conclude that the Commission erred, as a matter of law, when it concluded that an industry in the United States was not being injured or likely to be injured or prevented from being established by reason of imports of certain chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan sold at LTFV;

4. The Secretary of the Treasury or his delegate should publish a finding of dumping forthwith with respect to chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan, other than hammers from Imoto Hamono Co., Ltd., and Kyoto Tool Co., Ltd., sledges from Hirota Tekko K.K., angle nose pliers and terminal spreaders from Tashiro Siesakusho, and battery post and terminal cleaning brushes from Japan Export Brush Co., Ltd.,

5. Appropriate Customs officers should make Antidumping Act appraisements (foreign market (or constructed) value and purchase (or exporter's sales) price) for every entry of nonpowered hand tools from Japan described in (4) above; and

6. Appropriate Customs Officers should assess antidumping duties on those entries of nonpowered hand tools from Japan described in (4) above where it has been determined that the foreign market (or constructed) value exceeds the purchase (or exporter's sales) price.

In accordance with the provisions of § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), notice is hereby given that a domestic producer has filed a petition requesting that antidumping duties be assessed with regard to chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan. Before a decision is made with regard to this petition, consideration will be given to any relevant data, views or arguments submitted in writing. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by this office not later than April 8, 1977.

Written submissions will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Classification and Value Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

G. R. DICKERSON,
Acting Commissioner of Customs.

MARCH 28, 1977.

[FR Doc.77-9827 Filed 3-31-77;8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that meetings will be held in Washington on April 26 and 27, 1977, of the following debt management advisory committees:

American Bankers Association Government Borrowing Committee.

Public Securities Association U.S. Government and Federal Agencies Securities Committee.

The agenda for the meetings provides for working sessions by two committees on April 26, a report to the Secretary of the Treasury and Treasury staff by the American Bankers Association Government Borrowing Committee on April 26 and a report to the Secretary of the Treasury and Treasury staff by the Public Securities Association U.S. Government and Federal Agencies Securities Committee on April 27.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Capital Markets and Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: March 25, 1977.

HENRY C. STOCKELL,
Acting General Counsel.

[FR Doc.77-9705 Filed 3-31-77;8:45 am]

POLYVINYL CHILORIDE SHEET AND FILM FROM THE REPUBLIC OF CHINA

Antidumping Proceeding Notice

AGENCY: United States Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of polyvinyl chloride sheet and film from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: This investigation will begin on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Duty Assessment Division, United States Custom Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On February 24, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Plastic Imports Action Committee (PIAC), indicating a possibility that polyvinyl chloride sheet and film from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). The PIAC is an ad hoc group consisting of the following United States producers of the subject articles: The Goodyear Tire and Rubber Company; Harte and Company, Inc., a subsidiary of Diamond Shamrock Corporation; Tenneco Chemicals, Inc., a subsidiary of Tenneco; Pantasote Co. of New York, Inc.; W. R. Grace and Co., Hatco Plastics Division; and Hooker Chemicals and Plastic Corp., Ruco Division.

For purposes of this notice the term "polyvinyl chloride sheet and film" means unsupported, flexible, calendered polyvinyl chloride sheet, film and strips over 6 inches in width and over 18 inches in length, and at least 0.002 inches, but not over 0.020 inches in thickness.

There is evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of an industry in the United States. This evidence indicates that imports of the subject merchandise from the Republic of China have increased sharply since 1974, both in absolute terms and in terms of market share, and that such increase has been due in part to significant underselling by those imports. Available information further indicates that production, sales, capacity utilization and employment within the domestic industry have all declined in recent years as a result, in part, of possible less-than-fair value imports from the Republic of China. In addition, it appears that the alleged less-than-fair-value prices have contributed to some suppression of prices of the domestic product, which in turn has led to low profit levels for the United States industry.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of price information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

MARCH 28, 1977.

[FR Doc.77-9706 Filed 3-30-77;10:11 am]

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department on April 19, 1977.

The meeting is called in order to obtain the full and frank opinions of the participants in the Advisory Committee regarding international monetary questions to be discussed at international meetings on April 28 and 29 of the Interim Committee of the Board of Governors of the International Monetary Fund.

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in 5 U.S.C. 552b(c)(1) and that the public interest requires such meeting be closed to public participation.

Any comment or inquiry with respect to this notice can be addressed to Donald Syvrud, Director, Office of International Monetary Affairs, U.S. Department of the Treasury, Washington, D.C. 20220, 202-566-5365.

Dated: March 28, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77-9707 Filed 3-31-77;8:45 am]

Office of the Secretary

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Antidumping; Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an anti-dumping investigation has been completed and that it has been determined that metal-walled above-ground swimming pools from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market or to third countries. This case is being referred to the International Trade Commission for it to determine whether a United States industry is being injured.

EFFECTIVE DATE: This determination will be effective on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: Information was received in proper form on March 18, 1976, from counsel acting on behalf of Muskin Corporation, Colton, California, alleging that metal-walled above-ground swimming pools from Japan were being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of April 21, 1976 (41 FR 16667).

The Secretary concluded that a tentative determination could not reasonably be made within the usual 6-month period. The period in this case was therefore extended to no more than 8 months, and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of October 7, 1976 (41 FR 44197).

A "Notice of Tentative Discontinuance of Antidumping Investigation" was published in the FEDERAL REGISTER of December 27, 1976 (41 FR 56248), with regard to metal-walled above-ground swimming pools from Japan. However, information gathered and analyzed subsequent to the tentative discontinuance indicates that metal-walled above-ground swimming pools from Japan are being, or likely to be, sold at less than fair value.

A "Withholding of Appraisement Notice" is being published concurrently with this notice.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, metal-walled above-ground swimming pools from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* Approximately 90 percent of the imports of the subject merchandise from Japan are manufactured by Asahi Chemical Industry Co., Inc., Soka City, Japan. Therefore, the investigation was limited to this manufacturer.

b. *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the third-country price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States appear to be made to nonrelated customers. Third-country price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise was not sold by Asahi in the home market in sufficient quantities to provide a basis for fair value. Sales to Canada were made in quantities most similar to those sales made to the United States.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and third-country sales during the period November 1, 1975, through April 30, 1976.

c. *Purchase price.* For the purposes of this determination of sales at less than fair value, since all merchandise was purchased or agreed to be purchased prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the f.o.b. price to unrelated United States purchasers with deductions for inland freight and shipping costs, as appropriate.

d. *Third-Country price.* For the purposes of this determination of sales at less than fair value, the third-country price has been calculated on the basis of the f.o.b. price to unrelated Canadian purchasers. Adjustments have been made for inland freight and shipping costs and for differences in the following costs associated with Asahi's sales to Canada and to the United States: interest expense, bank charges, packing, commissions, and merchandise.

Adjustments for differences in interest expense, bank charges, commissions, and packing were made in accordance with § 153.10, Customs Regulations (19 CFR 153.10). Each of the foregoing costs was directly related to the sales under consideration.

Adjustments for differences in merchandise relate to the difference in direct production costs between similar pools sold to Canada and to the United States and were made in accordance with § 153.-11, Customs Regulations (19 CFR 153.-11).

The petition contained an allegation that sales of the subject merchandise to third countries were being made at less than the cost of producing the merchandise as defined in section 205(b) of the Act (19 U.S.C. 164(b)). An analysis of the Japanese manufacturer's production costs, which were taken from actual records reflecting material, labor, and general expenses related to the production of the subject merchandise, has not supported that allegation. The additional information which had been requested and was referred to in the "Notice of Tentative Discontinuance of Antidumping Investigation" was furnished and did not alter the finding with regard to the allegation of sales at less than the cost to produce.

A claim has been made that certain inland freight costs and shipping charges accrued relative to pools for export to the United States should be disregarded as being unusual costs. Section 203 of the Act requires the deduction of all costs, charges, and expenses incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States when included in the price. The actual costs incurred have been deducted in accordance with this provision.

e. *Result of fair value comparisons.* Using the above criteria, comparisons were made on virtually all of the sales of the subject merchandise to the United States by Asahi Chemical Industry Co., Inc., during the representative period and those comparisons indicated that the purchase price was less than the third-country price of such or similar merchandise. Margins were found ranging from less than 1 to 32 percent on 47 percent of the sales to the United States. The weighted-average margin when weighted over 100 percent of the sales compared amounted to 3.5 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

JOHN H. HARPER,
Assistant Secretary of the Treasury.

MARCH 28, 1977.

[FR Doc.77-9743 Filed 3-31-77;8:45 am]

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Antidumping; Withholding of Appraisement Notice

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that appraisement is being withheld for 3 months on entries of metal-walled above-ground swimming pools from Japan since there is reason to believe or suspect that such pools are being, or likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market or to third countries.

EFFECTIVE DATE: This notice will be effective on April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: Information was received in proper form on March 18, 1976, from counsel acting on behalf of Muskin Corporation, Colton, California, alleging that metal-walled above-ground swimming pools from Japan were being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of April 21, 1976 (41 FR 16667).

The Secretary concluded that a tentative determination could not reasonably be made within the usual 6-month period. The period in this case was therefore extended to no more than 8 months, and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of October 7, 1976 (41 FR 44197).

A "Notice of Tentative Discontinuance of Antidumping Investigation" was published in the FEDERAL REGISTER of December 27, 1976 (41 FR 56248), with regard to metal-walled above-ground swimming pools from Japan. However, information gathered and analyzed subsequent to the tentative discontinuance indicates that metal-walled above-ground swimming pools from Japan are being, or likely to be, sold at less than fair value. Accordingly, a "Determination of Sales at Less Than Fair Value" is being published concurrently with this notice, wherein a statement of reasons for such determination is provided.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price, as defined in section 203 of the Act (19 U.S.C. 162), of metal-walled above-ground swimming pools from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

Customs officers are being directed to withhold appraisement of metal-walled above-ground swimming pools from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

The Secretary has provided an opportunity to interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

This notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective on April 1, 1977. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

JOHN H. HARPER,
Assistant Secretary of the Treasury.

MARCH 28, 1977.

[FR Doc.77-9744 Filed 3-31-77;8:45 am]

Office of the Secretary

INTERNATIONAL BOYCOTT

List of Countries Requiring Cooperation

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott. This list is the same as the list published in the February 15, 1977, FEDERAL REGISTER.

Pursuant to the requirement of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury has compiled a list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954):

Bahrain	Qatar
Egypt	Saudi Arabia
Iraq	Syria
Jordan	United Arab Emirates
Kuwait	Yemen Arab Republic
Lebanon	Yemen, Peoples Democratic Republic of
Libya	
Oman	

Dated: March 29, 1977.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-10014 Filed 3-31-77;10:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 359]

ASSIGNMENT OF HEARINGS

MARCH 29, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139381 (Sub-4), Spirit of '76 Overland Express, Inc., now assigned April 20, 1977 at Washington, D.C., has been postponed indefinitely.

MC 142045 (Sub-No. 1), McNeil Transport Limited, now assigned May 9, 1977, at Buffalo, N.Y. is canceled and reassigned for May 9, 1977 (1 week); 2nd Floor, U.S. Courtroom, U.S. Post Office Building, 431 State Street, Ogdensburg, N.Y.

MC 134323 (Sub-91), Jay Lines, Inc., now being assigned May 9, 1977 (1 day) at New Orleans, Louisiana, in a hearing room to be later designated.

MC-F-12872, East Texas Motor Freight Lines, Inc. d.b.a. ETMF Systems—Purchase (Portion)—Transamerican Freight Lines, Inc., MC 41432 (Sub-No. 148), East Texas Motor Freight Lines, Inc. and MC 10761 (Sub-No. 281), Transamerican Freight Lines, Inc., now being assigned for continued hearing on April 12, 1977 (9 days) in Room 330, U.S. Post Office and Courthouse, Bryan and Ervay Streets, Dallas, Texas.

MC 138237 (Sub-No. 5), Metro Hauling, Inc., application dismissed.

MC-F-12623, Anderson Trucking Service, Inc.—Purchase (Portion)—Jenkins Truck Line, Inc. and MC 95876 (Sub-No. 179), Anderson Trucking Service, Inc., now assigned April 13, 1977, at Seattle, Washington, will be held in Court Room 514, Federal Building, 915 Second Avenue.

MC 141532 (Sub-No. 11), Pacific States Transport, Inc., now assigned April 12, 1977, at Seattle, Washington, will be held in Court Room 514, Federal Building, 915 Second Avenue.

MC 141824 (Sub-No. 1), William E. Egbert, d.b.a. Bill Egbert Horse Transportation, now assigned April 18, 1977, at Seattle, Washington, will be held in Court Room 514, Federal Building, 915 Second Avenue.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9791 Filed 3-31-77;8:45 am]

[Amdt. No. 9 to Exemption No. 95]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

MARCH 29, 1977.

To: Bessmer and Lake Erie Railroad Company and Norfolk and Western Railway Company.

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire June 30, 1977*.

This amendment shall become effective March 31, 1977.

Issued at Washington, D.C., March 24, 1977.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc.77-9787 Filed 3-31-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 29, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by April 18, 1977.

FSA No. 43346—*Joint Water-Rail Container Rates*—Sea-Land Service, *Inc.* Filed by Sea-Land Service, Inc., (No. 92), for itself and interested rail carriers.

Rates on general commodities, from rail carrier's terminal at Baton Rouge, Louisiana, to ports in Japan, Korea, Hong Kong, Taiwan, Philippines, Thailand, Malaysia and Singapore.

Grounds for relief—Water competition.

Tariffs—Pacific Westbound Conference Westbound Intermodal, tariff No. 8, I.C.C. No. 1, and Pacific Straits Conference Westbound Intermodal Freight tariff No. 9, I.C.C. No. 1. Rates are published to become effective on April 27, 1977.

FSA No. 43347—*Petroleum Alkylate Detergent Intermediate to St. Louis, Missouri.* Filed by Southwestern Freight Bureau, Agent, (No. B-668), for and on behalf of the Missouri Pacific Railroad Company.

Rates on petroleum alkylate detergent intermediate, in tank-car loads, as described in the application, from Chocolate Bayou, Texas, to St. Louis, Missouri.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, Agent, tariff 12-K, I.C.C. No. 5272. Rates are published to become effective on May 1, 1977.

FSA No. 43348—*Joint Water-Rail Container Rates—States Steamship Company.* Filed by States Steamship Company, (No. 104), for itself and interested rail carriers.

Rates on general commodities, between ports in Hong Kong, Japan, Korea, Philippines, Taiwan and Thailand, and railstations on the U.S. Atlantic and Gulf Seaboard ports.

Grounds for relief—Water competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9789 Filed 3-31-77;8:45 am]

[Amdt. No. 2 to I.C.C. Order No. 10 Under Service Order No. 1252]

REROUTING TRAFFIC

MARCH 29, 1977.

To all railroads:

Upon further consideration of I.C.C. Order No. 10 (San Diego & Arizona Eastern Railway Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 10 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) therof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-9786 Filed 3-31-77;8:45 am]

[Notice No. 140]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 1, 1977.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 21, 1977. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a

petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35450. By order entered March 24, 1977 the Motor Carrier Board approved the lease by Pride Transport Company, a corporation, Abilene, Tex., of the operating rights of B. L. Ellis, doing business as Ellis Pros., Dallas, Tex., set forth in Certificate of Registration No. MC 99931 (Sub-No. 3), issued May 3, 1972, for a period of five years, as follows: Petroleum and petroleum products in bulk in tank trucks over irregular routes and on irregular schedules between all cities, towns, points, oil fields, refineries, bulk stations, filling stations, terminals, and all intermediate points within the State of Texas. Mike Cotten, P.O. Box 1148, Austin, Tex. 78767, attorney for lessee and Leroy Hallman, 4555 First National Bank Building, Dallar, Tex. 75202, attorney for lessor.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9790 Filed 3-31-77;8:45 am]

[Notice No. 141]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77029. By application filed March 15, 1977, H. O. Bouchard, Inc., MRC Box 141A, Bangor, ME 04401, seeks temporary authority to transfer the operating rights of Ralph E. Curtis & Son, Inc., 123 Mt. Hope Avenue, Bangor, ME 04401, under section 210a(b). The transfer to H. O. Bouchard, Inc., of the operating rights of Ralph E. Curtis & Son, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9792 Filed 3-31-77;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77041. By application filed March 15, 1977, Centennial Truck Lines, Inc., 2500—89th Street, North Bergen, NJ 07047, seeks temporary authority to transfer a portion of the operating rights of L J P Truck Lines, Inc., 273 Meserole Street, Brooklyn, NY 11222, under section 210a(b). The transfer to Centennial Truck Lines, of the operating rights of L J P Truck Lines, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9793 Filed 3-31-77;8:45 am]

[Notice No. 143]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77042. By application filed March 15, 1977, Centennial Truck Lines, Inc., 2500—89th Street, North Bergen, NJ 07047, seeks temporary authority to transfer the operating rights of Command Trucking Corp., 91 Moultrie Street, Brooklyn, NY 11222, under section 210a(b). The transfer to Centennial Truck Lines, Inc., of the operating rights of Command Trucking Corp., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9794 Filed 3-31-77;8:45 am]

[Notice No. 144]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 1, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77045. By application filed March 18, 1977, Arkansas Transit Homes, Inc., 8400 Mabelvale Pike, Little Rock, AR 72209, seeks temporary authority to transfer the operating rights of Dale's Enterprises, Inc., D/B/A Southwest Mobile Home Transport, Route 6, Box 29A, Texarkana, TX 75501, under section 210a(b). The transfer to Arkansas Transit Homes, Inc., of the operating rights of Dale's Enterprises, Inc., d/b/a Southwest Mobile Home Transport, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9795 Filed 3-31-77;8:45 am]

IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MARCH 25, 1977.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530). A copy of the verified statement in opposition must also be served upon applicant or its named representative. The vertified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 111320 (Sub-No. 68G), filed February 10, 1977. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: Michael Spurlock, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (I) *Self-propelled road building equipment and parts thereof*, in Driveaway and Truckaway service; (a) Between points in Massachusetts, on the one hand, and, on the other, points in that part of Ohio east of Ohio Highway 77.

(b) Between points in Maine, Massachusetts, New Hampshire and Vermont, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line.

(c) Between points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line.

(d) Between points in that part of Pennsylvania on and south of Interstate Highway 80, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence

along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E to the Tennessee-Kentucky State line.

(e) Between points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 2 to junction West Virginia 20, thence along West Virginia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, then along West Virginia Highway 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Missouri-Arkansas State line, thence along Missouri Highway 5 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line.

(f) Between points in that part of West Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas and Iowa (except from Cedar Rapids, Iowa).

(g) Between points in that part of Ohio on west, and south, of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Alabama.

(h) Between points in that part of Ohio, on, south, and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Arkansas.

(i) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Colorado.

(j) Between points in that part of Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Florida.

(k) * * * at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Louisiana.

(l) Between points in that part of Ohio west and south of a line beginning at Lake Erie, thence along Ohio Highway 57 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Indiana.

(m) Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Michigan on and south of a line beginning at Lake Michigan, thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction Michigan Highway 52, thence along Michigan Highway 52 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron.

(n) Between points in that part of Ohio on, west, and south of a line beginning at Lake Erie, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Kentucky;

(o) Between points in that part of Ohio on and east of Interstate Highway 77, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line.

(p) * * * Ohio-Indiana State line, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of West Virginia on and west of Interstate Highway 77.

(q) Between points in that part of Ohio west and south of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Georgia west and north of U.S. Highway 19.

(r) Between points in that part of Ohio on, west, and south of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Illinois.

(s) Between points in that part of Ohio on and west of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Nebraska;

(t) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along Ohio Highway 109 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Nebraska on and east of U.S. Highway 83.

(u) Between points in that part of Ohio on, west, and south of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Oklahoma.

(v) Between points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 558 to junction

Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in South Carolina.

(w) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in South Dakota.

(x) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 69 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Gulf of Mexico.

(y) Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Wisconsin.

(z) Between points in that part of Ohio on, south, & west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to the Michigan-Ohio State line, on the one hand, and, on the other, points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line, thence along an imaginary line directly east to Clarksdale, Miss., thence along Mississippi Highway 6 to junction U.S. Highway 76, thence along U.S. Highway 76 to the Mississippi-Alabama State line.

(aa) Between points in that part of Ohio on, west, and south of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Illinois-Missouri State line, thence along Missouri Highway 19 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line.

(bb) Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Iowa, except from Cedar Rapids, Iowa.

(cc) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30 N, thence along U.S. Highway 30 N to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas.

(dd) Between points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30 N, thence along U.S. Highway 30 N to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of North Carolina on and west of U.S. Highway 21.

(ee) Between points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in North Dakota.

(ff) Between points in that part of Ohio on, east and south of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30 N, thence along U.S. Highway 30 N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 60 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line.

(gg) Between points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to Lake Erie, on the one hand, and, on the other, points in that part of Tennessee on and north of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 the Tennessee-North Carolina State line.

(hh) Between points in Connecticut and Rhode Island, on the one hand, and, on the other, points in that part of Tennessee on and east of U.S. Highway 127.

(ii) Between points in Connecticut, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-West Virginia State line, thence along U.S. Highway 23 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(jj) Between points in Maryland, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(kk) Between points in New Jersey, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(ll) Between points in Connecticut, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62, thence along U.S. Highway 62 to

junction Ohio Highway 76, thence along Ohio Highway 76 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 139, thence along Ohio Highway 139 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Ohio-Kentucky State line.

(mm) Between points in Rhode Island, on the one hand, and, on the other, points in that part of Ohio on and east of Interstate Highway 77.

(nn) Between points in Delaware, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State Line.

(oo) Between points in Maryland, on the one hand, and, on the other, points in that part of Ohio on, east and south of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36, to the Ohio-Indiana State line.

(pp) Between points in New Jersey, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line.

(qq) Between points in that part of Virginia on, south and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Missouri on, south and east of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 50 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line.

(rr) Between points in that part of Virginia on, south and west of a line beginning at the West Virginia-Virginia line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Kansas.

(ss) Between points in that part of Virginia south and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to junction Illinois Highway 37 thence along Illinois Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line.

(tt) Between points in that part of Virginia south and west of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and on the other, points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 28 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line.

(uu) Between points in New Mexico, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line.

(vv) Between points in that part of New Mexico on and east of U.S. Highway 54 beginning at the Texas-New Mexico State line to junction U.S. Highway 70, to the Texas-New Mexico State line near Texico, N. Mex., on the one hand, and, on the other, points in that part of Virginia on and west of Interstate Highway 77;

(ww) Between points in that part of Wyoming on and east of a line beginning at the Colorado-Wyoming State line, thence along U.S. Highway 287 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-South Dakota State line, on the one hand, and, on the other, points in Ohio.

(xx) Between points in that part of California on and south of a line beginning at Ventura, Calif., thence along California Highway 33 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction California Highway 178, thence along California Highway 178 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in that part of Indiana on the west of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 31 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line.

(yy) Between points in that part of California on and south of a line beginning at Ventura, Calif., thence along California Highway 33 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction California Highway 178, thence along California Highway 178 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 421 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line.

(zz) Between points in Idaho, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 31W to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127, to the Kentucky-Tennessee State line.

(a') Between points in Montana, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.

(b') Between points in Montana, on the one hand, and, on the other points in that part of Florida on and west of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico.

(c') Between points in Nevada, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Tennessee State line.

(d') Between points in Oregon, on the one hand, and, on the other, points in that part, of Indiana on and west of a line beginning at the Indiana-Michigan

State line, thence along U.S. Highway 31 to the Indiana-Kentucky State line.

(e') Between points in Oregon, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 31W to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line.

(f') Between points in Oregon, on the one hand, and, on the other, points in that part of Florida on and west of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Lanark, Florida.

(g') Between points in that part of Ohio on and west of a line beginning at Huron, Ohio, thence along Ohio Highway 13 to junction U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Michigan.

(h') Between points in that part of Pennsylvania west and south of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line.

(i') Between points in that part of West Virginia on and west of U.S. Highway 250, on the one hand, and, on the other, points in Illinois.

(j') Between points in that part of West Virginia on and west of U.S. Highway 250, on the one hand, and, on the other, points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 17 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Illinois State line.

(k') Between points in that part of West Virginia on and west of Interstate Highway 77 on the one hand, and, on the other, points in Michigan.

(l') Between points in that part of New Mexico on and east of U.S. Highway 54 beginning at the Texas-New Mexico State line to Junction U.S. Highway 70, to the Texas-New Mexico State line near Texico, New Mexico on the one hand, and on the other, points in that part of Virginia on and west of Interstate Highway 77.

(m') Between points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Minnesota on, south, and east of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 35 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line.

(n') Between points in Alabama, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Maryland, Minnesota, Montana, North Dakota, New Jersey, Oregon, Pennsylvania, Rhode Island, South Dakota, Wisconsin, and Wyoming.

(o') Between points in Arkansas, on the one hand, and, on the other, points in Michigan, Virginia, and West Virginia.

(p') Between points in Arizona, on the one hand, and on the other, points in Kentucky, Michigan, North Carolina, South Carolina, and Tennessee.

(q') Between points in California, on the one hand, and on the other, points in Florida, Michigan, and South Carolina.

(r') Between points in Colorado, on the one hand, and on the other, points in Indiana, Michigan, North Carolina, and South Carolina.

(s') Between points in Connecticut, on the one hand, and on the other, points in Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia.

(t') Between points in Delaware, on the one hand, and, on the other, points in Florida, Georgia, Kentucky, and Tennessee.

(u') Between points in Florida, on the one hand, and on the other, points in Arizona, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New Jersey, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, West Virginia, Virginia, Wisconsin, and Wyoming.

(v') Between points in Georgia, on the one hand, and on the other, points in Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, Nevada, New Jersey, North Dakota, Pennsylvania, Rhode Island, South Dakota, West Virginia, Wisconsin, and Wyoming.

(w') Between points in Illinois, on the one hand, and on the other, points in Indiana, Kentucky, Louisiana, Michigan, and Mississippi.

(x') Between points in Indiana, on the one hand, and on the other, points in Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Washington, Wisconsin, and Wyoming.

(y') Between points in Iowa, on the one hand, and on the other, points and places in Kentucky, Michigan, North Carolina, South Carolina, and Tennessee.

(z') Between points in Kansas, on the one hand, and on the other, points and places in Kentucky, Michigan and North Carolina.

(a'') Between points in Kentucky, on the one hand, and on the other, points in Michigan, Minnesota, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

(b'') Between points in Louisiana, on the one hand, and on the other, points in Michigan, Minnesota, Virginia, West Virginia, and Wisconsin.

(c'') Between points in Maryland, on the one hand, and on the other, points in Tennessee and West Virginia.

(d'') Between points in Michigan, on the one hand, and on the other, points in Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

(e'') Between points in Minnesota, on the one hand, and on the other, points in Mississippi, North Carolina, South Carolina, and Tennessee.

(f'') Between points in Mississippi, on the one hand, and on the other, points in West Virginia and Wisconsin.

(g'') Between points in Missouri, on the one hand, and on the other, points in North Carolina.

(h'') Between points in Montana, on the one hand, and on the other, points in Tennessee.

(i'') Between points in Nebraska, on the one hand, and on the other, points and places in North Carolina and South Carolina.

(j'') Between points in Nevada, on the one hand, and on the other, points in South Carolina and Tennessee.

(k'') Between points in New Jersey, on the one hand, and on the other, points in North Carolina, South Carolina, Tennessee, and West Virginia.

(l'') Between points in New Mexico, on the one hand, and on the other, points in Kentucky, North Carolina, South Carolina, and Tennessee.

(m'') Between points in North Carolina, on the one hand, and on the other, points in North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

(n'') Between points in North Dakota, on the one hand, and on the other, points in Indiana, Kentucky, South Carolina, and Tennessee.

(o'') Between points in Oklahoma, on the one hand, and on the other, points in South Carolina, Virginia, and West Virginia.

(p'') Between points in Oregon, on the one hand, and on the other, points in Alabama and Tennessee.

(q'') Between points in Pennsylvania, on the one hand, and on the other, points in South Carolina and West Virginia.

(r'') Between points in Rhode Island, on the one hand, and on the other, points in North Carolina, South Carolina, and West Virginia.

(s'') Between points in South Carolina, on the one hand, and on the other, points in South Dakota, Utah, and Wisconsin.

Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean. (8) Between points in Alabama excluding those in Barbour County (Eufaula), on the one hand, and, on the other, points in North

Carolina on and west of a line beginning at the North Carolina-Tennessee State line, and extending along U.S. Highway 23, to junction Interstate Highway 26, thence along Blue Ridge Parkway to the Virginia-North Carolina State line, and those points on and north of a line beginning at the Tennessee-North Carolina State line, and extending along U.S. Highway 321 to junction U.S. Highway 421, to junction Interstate Highway 40, to junction Interstate Highway 85, to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the North Carolina-Virginia State line. (9) Between points in Alabama excluding those in or east of Henry, Dale, and Geneva Counties, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Yadkin, Stokes, Rockingham, Caswell, Person, Granville, Vance and Warren Counties. (10) Between points in Alabama, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Surry Counties. (B) (1) Between all points in Alabama, on the one hand, and, on the other, all points in Virginia. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

(II) *Road building and earth moving equipment*, in truckaway service, *and parts of and attachments for* road building and earth moving equipment. (a) From the facilities of Caterpillar Tractor, located at Decatur, Ill., to points in Virginia; (b) From the facilities of Caterpillar Tractor located in Decatur, Ill., to points in that part of Virginia on and west of Interstate Highway 77; (c) From the facilities of Caterpillar Tractor located in Decatur and Peoria, Ill., to points in North Carolina on and east of Interstate Highway 77; (d) From the facilities of Caterpillar Tractor located in Decatur, Ill., to points in South Carolina; (e) From the facilities of Caterpillar Tractor located in Decatur and Peoria, Ill., to points in Georgia; (f) From the facilities of Caterpillar Tractor located in Decatur and Peoria, Ill., to points in Florida; (g) From the facilities of Caterpillar Tractor located in Aurora and Joliet, Ill., to points in Florida on and east of U.S. Highway 319; and (h) From the facilities of Caterpillar Tractor located in Decatur, Ill., to points in Tennessee on and west of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Findlay, Ohio.

(III) *Used, damaged, rejected, or defective trucks, trailers, and other types* of motor vehicles (except pasenger automobiles), *but including self-propelled road building and contractors' vehicles or machinery* in Driveaway and Truckaway service.

(a) Between points *in Rhode Island*, on the one hand, and, on the other, points in that *part of Pennsylvania* on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to Pennsylvania-Maryland State line.

(b) Between points in that *part of Connecticut* on, south, and west of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 85 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to Long Island Sound, on the one hand, and, on the other, points in that *part of Pennsylvania* on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to he Pennsylvania-New York State line.

(c) Between points in that *part of New Jersey* on and south of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Atlantic Ocean, on the one hand, and, on the other, points in that *part of Pennsylvania* on and south of a line beginning at Lake Erie, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line.

(i) Between points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Michigan.

(j) Between points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Indiana.

(k) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, and on and south of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 6 to the New York-Connecticut State line, on the one hand, and, on the other, points in that part of West Virginia on and north of West Virginia Highway 7.

(l) Between points in that part of New York on south, and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to Lake Erie, and, on and south of a line beginning at Hale Eddy, N.Y., thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina.

(m) Between points in New York on, west and south of a line beginning at New York-Pennsylvania State line, thence along U.S. Highway 62 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie, on the one hand, and, on the other, points in Texas.

(n) Between points in that part of Vermont on and south of U.S. Highway 4, on the one hand, and, on the other, points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to Sparrows Point, Maryland.

(o) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, and on and south of a line beginning at the New York-New Jersey State line, thene along Interstate Highway 84 to the New York-Connecticut State line, on the one hand, and, on the other, points in Georgia.

(p) Between points in that part of New York, on and west of a line beginning at Lake Erie, thence along New York Highway 16 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Oklahoma.

(q) Between points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 19 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 98, thence along New York Highway 98, to Lake Ontario, on the one hand, and, on the other, points in Minnesota and Alabama.

(r) Between points in that part of New York on the west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, on the one hand, and, on the other, points in Nebraska.

(s) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, on the one hand, and, on the other, points in Kansas.

(t) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, and on and south of a line beginning at Hancock, New York, thence along New York Highway 17 to junction New York Highway 30, thence along New

York Highway 30 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line on the one hand, and, on the other, points in Virginia.

(u) Between points in that part of New York on and south of a line beginning at Hancock, New York, thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, points in South Carolina.

(v) Between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario, on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 202 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River.

(w) Between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 250, thence along New York Highway 250 to Lake Ontario, on the one hand, and, on the other, points in Connecticut and Rhode Island.

(x) Between points in New Jersey on and south of New Jersey Highway 33, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 75 to junction Kentucky Highway 461, thence along Kentucky Highway 461 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line.

(y) Between points in Connecticut, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, along U.S. Highway 127 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Alabama State line.

(z) Between points in New Jersey, on the one hand, and on the other, points in Tennessee on and east of Interstate Highway 65.

(aa) Between points in that part of New Jersey on and south of New Jersey Highway 33 on the one hand, and on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line.

(bb) Between points in Maine, on the one hand, and, on the other, points in that part of North Carolina on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean.

(cc) Between points in Massachusetts on and south of a line from Boston along Interstate Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina on and north of a line from the Atlantic Ocean along U.S. Highway 421 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 40, thence along U.S. Highway 40 to the North Carolina-Tennessee State line.

(dd) Between points in New Hampshire, on the one hand, and, on the other, points in North Carolina on and north of a line from the Atlantic Ocean along U.S. Highway 117 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction North Carolina Highway 561, thence along North Carolina Highway 561 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line.

(ee) Between points in Maine, on the one hand, and, on the other, points in Virginia east of a line from the North Carolina-Virginia State line, along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line.

(ff) Between points in New Hampshire, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 17 to junction U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-North Carolina State line.

(gg) Between points in Maine, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line.

(hh) Between points in that part of Massachusetts, on and south of Interstate Highway 90, on the one hand, and, on the other, points in Pennsylvania.

(ii) Between points in New Hampshire, on the one hand, and, on the other, points in that part of Pennsylvania on and east of U.S. Highway 220.

(jj) Between points in Vermont, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line.

(kk) Between points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line, thence along U.S. Highway 2 to junction Maine Highway 9, thence along Maine Highway 9 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the District of Columbia.

(ll) Between points in New Hampshire, on the one hand, and, on the other, points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the District of Columbia.

(mm) Between points in that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New thence along New York Highway 17 York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, and Maine.

(nn) Between points in that part of New York, on and west of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Arkansas.

(oo) Between points in that part of New York, on and west of a line beginning at Lake Ontario, thence along New York Highway 19 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Iowa (except Cedar Rapids, Iowa).

(pp) Between points in that part of New York on and west of a line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219

to the New York-Pennsylvania State line, on the one hand, and, on the other, points in North Dakota.

(qq) Between points in that part of New York on and west of line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Louisiana and Colorado.

(rr) Between points in that part of New York on and west of a line beginning at Lake Erie, thence along U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in that part of Mississippi on and north-east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 51 to junction Highway 16, thence along Mississippi Highway 16 to the Mississippi-Alabama State line.

(ss) Between points in that part of New York on and west of a line beginning at Lake Ontario, thence along New York Highway 57 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 282, thence along New York Highway 282 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to the Ohio-West Virginia State line

(tt) Between points in that part of New York south of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along Interstate Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line.

(uu) Between points in that part of New York, on and west of a line beginning at Lake Ontario, thence along New York Highway 78 to junction New York Highway 16, thence along New York Highway 16 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin.

(vv) Between points in New York, on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction New York Highway 319, thence along New York Highway 319 to Lake Erie, on the one hand, and, on the other, points in South Dakota.

(ww) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 17, to junction New York Highway 98, to junction New York Highway 39, to junction New York Highway 16, to junction Interstate Highway 290, to junction Interstate Highway 190, to Lake Ontario, on the one hand, and, on the other, points and places in that part of Maryland on and west of U.S. Highway 15.

(xx) Between points in Alabama, on one hand, and on the other, points in Connecticut, Delaware, New Jersey, Pennsylvania and Rhode Island.

(yy) Between points in Connecticut on the one hand, and on the other, points in in the District of Columbia, Florida, Georgia, Maryland, North Carolina, New York, South Carolina, Virginia and West Virginia.

(zz) Between points in Delaware, on the one hand, and on the other, points in Florida, Georgia, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont.

(a') Between points in the District of Columbia, on the one hand, and on the other, points in Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

(b') Between points in Florida, on the one hand, and on the other, points in Pennsylvania and Rhode Island.

(c') Between points in Georgia, on the one hand, and on the other, points in New Jersey, Pennsylvania and Rhode Island.

(d') Between points in Maine, on the one hand, and on the other, points in Maryland, New Jersey and Virginia.

(e') Between points in Maryland, on the one hand, and on the other, points in Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont.

(f') Between points in Massachusetts, on the one hand, and on the other, points in New Jersey, North Carolina and Virginia.

(g') Between points in New Hampshire, on the one hand, and on the other, points in New Jersey.

(h') Between points in New Jersey, on the one hand, and on the other, points in Rhode Island and Vermont.

(i') Between points in New York, on the one hand, and on the other, points in Pennsylvania and West Virginia.

(j') Between points in North Carolina, on the one hand, and on the other, points in Pennsylvania and Rhode Island.

(k') Between points in Pennsylvania, on the one hand, and on the other, points in South Carolina, Virginia and West Virginia.

(l') Between points in Rhode Island, on the one hand, and on the other, points in South Carolina and West Virginia.

(m') Between points in Vermont, on the one hand, and on the other, points in Virginia. The purpose of this filing is to eliminate the gateway at Elmira Heights, N.Y.

No. MC 124174 (Sub-No. 109G), filed November 2, 1976. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Boulevard, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 13811 "L" Street, P.O. Box 37490, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles), from points in Colorado, Kansas, Montana, North Dakota, Oklahoma, and Wyoming, to points in Illinois; Indiana; Iowa (except Sioux City); Kentucky; Maine; Maryland; Massachusetts; Michigan; Minnesota (except St. Paul); Nebraska; New Hampshire; New Jersey; New York; Ohio; Pennsylvania; Tennessee; Vermont; Virginia; Texas; Wisconsin; West Virginia; New Orleans, La.; and Buford, Ga.; (b) *hides and tannery products* (except commodities in bulk, in tank vehicles), from the origin states in (1) (a) above, to points in South Dakota; and (c) *hides and skins* (except commodities in bulk, in tank vehicles), from points in the origin states in (1)(a) above, to Hazelwood, N.C. and points in Delaware. The purpose of this filing is to eliminate the gateways of Sioux City, Iowa; Solomon, Kans.; St. Paul, Minn.; Hastings and Omaha, Nebr.; St. Joseph and St. Louis, Mo.; Oklahoma City, Okla.; Omaha and Grand Island, Nebr.; and Rochelle and beginning at the International Boundary between the United States and Canada, and extending along Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Tennessee.

(f) Between points in Michigan, on the one hand, and, on the other, those points in Tennessee on and west of a line beginning at Clarksville, Tenn., near the Kentucky-Tennessee State line, and extending along Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Mississippi State line; (g) between those points in Michigan on and west of a line beginning at Sault St. Marie, Mich., at the International Boundary line between the United States and Canada, and extending along Interstate Highway 75 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, to those points in Kentucky on the west of a line beginning at Louisville, Ky., at or near the Indiana-Kentucky State line, and extending along U.S. Highway 150, thence along U.S. Highway 150 to Daniel Boone Parkway, thence along Daniel Boone Parkway to Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, Michigan; Ohio; West Virginia; Virginia; Maryland; Pennsylvania; New Jersey; New York; Massachusetts; Maine; Vermont; New Hampshire; and Buford, Ga.; (b) *hides and tannery products* (except commodities in bulk, in tank vehicles), from the origin points in (3)(a) above, to points in South Dakota and Missouri (except Butler); and (c) *hides and skins* (except commodities in bulk, in tank ve-

hicles), from the origin points in (3)(a) above, to Hazelwood, N.C. and points in Delaware.

The purpose of this filing is to eliminate the gateways of points in Texas; Chicago, Ill.; Evansville, Ind.; Detroit, Mich.; Buffalo, N.Y.; Chattanooga and Kingsport, Tenn.; Richmond and Norfolk, Va.; and Buford, Ga. (4)(a) *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles), between points in Tennessee; Texas; Virginia; New Orleans, La.; Hazelwood, N.C.; and points in Nebraska; Minnesota; Iowa; Wisconsin; Illinois; Kentucky; Tennessee; Michigan; Indiana; Ohio; West Virginia; Virginia; Pennsylvania; New York; Maryland; New Jersey; New Hampshire; Maine; New York; Massachusetts and Vermont; (b) *hides and tannery products* (except commodities in bulk, in tank vehicles), between points in South Dakota, Kansas, Missouri (except Butler), and points named in (4)(a) above; and (c) *hides and skins*, (except commodities in bulk, in tank vehicles), from points named in (4)(a) and (4)(b) above, to points in Delaware. The purpose of this filing is to eliminate common points in Tennessee; Texas; Virginia; Minnesota; Iowa; Nebraska; Buford, Ga.; Rochelle and Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133485 (Sub-No. 19G) (correction), filed January 27, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, as MC 133485 Sub 19, republished as corrected this issue. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bullion, coins and precious metals*, in armored vehicles escorted by armed guards, between ports of entry on the International Boundary Line between the United States and Canada located in Maine, New York and Vermont, on the one hand, and, on the other, Chicago, Ill., and points in Connecticut, New Jersey, New York, and Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk and Worcester Counties, Mass.

NOTE.—The purpose of this republication is to indicate docket number 133485 Sub No. 19 should be MC 133485 Sub 19G, gateway elimination proceeding. This filing is to eliminate the gateway at Providence, R.I. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Providence, R.I.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by April 11, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-1222 (Sub-No. E2) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of June 5, 1975, and republished, as corrected, this issue. Applicant: REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Huntington, W. Va., to points in Tennesse west and south of Scott, Campbell, Union, Grainger, Hawkins, Sullivan and Johnson Counties, and points in Kentucky west of Hancock, Breckinridge, Grayson, Edmonson, Barren, Metcalfe, and Cumberland Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio. (2) *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities which by reason of their size or weight require the use of special equipment or special handling, from the plant sites and warehouses of the Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, Inc., in Kankakee County, Ill., to point in Tennessee east of Claiborne, Grainger, Hamblen and Cocke Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio. (3) *Iron and steel aritcles* (except those which because of size or weight, require the use of special equipment), from the plant site of Jones & Laughlin Steel Corporation in Putnam County, Ill., to points in West Virginia and points in Tennessee east of Campbell, Scott, Morgan, Roane, Loudon, Blount and Sevier Counties. The purpose of this filing is to eliminate the gateway of New Boston, Ohio. (4) *plastic foam shapes and forms*, (1) from the plant site of Dow Chemical Company, near Hanging Rock, Ohio, to points in Wisconsin, (2) from Ironton, Portsmouth and Hamilton Township, Ohio to points in Wisconsin, and (3) from Findlay, Ohio to points in Wisconsin. The purpose of this filing is to eliminate the gatway of Decatur, Ind.

NOTE.—The purpose of this correction is to correct the letter-notice previously published in error.

No. MC-35890 (Sub-No. E83), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Warren County, Pa., to points in Kansas. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC-35890 (Sub-No. E84), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Warren County, Pa., to points in Texas. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E85), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Warren County, Pa., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E86), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in New York on and north and west of a line beginning at the Pennsylvania-New York State line, and extending east along New York Highway 17 to junction with New York Highway 30, thence northeast along New York Highway 30 to junction with New York Highway 81, thence over New York Highway 81 to junction with Interstate Highway 87, thence north along Interstate Highway 87 to junction with Interstate Highway 90, thence over Interstate Highway 90 to New York-Massachusetts State line, to those points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line, and extending south along Interstate Highway 55 to junction U.S. Highway 51, thence south along U.S. Highway 51 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E87), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in Onandago County, N.Y., to those points in Mississippi on and south and west of a line beginning at the Mississippi-Tennessee State line, and extending along U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 35890 (Sub-No. E88), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St., S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from points in New York on, and north and west of a line beginning at the Pennsylvania-New York State line, and extending east along New York Highway 17 to junction New York Highway 30, thence northeast along New York Highway 30 to junction New York Highway 81, thence along New York Highway 81 to junction Interstate Highway 87, thence north along Interstate Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line, to those points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line, and extending south along Interstate Highway 55 to junction U.S. Highway 51, thence south along U.S. Highway 51 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Warren County, Pa., and Grand Rapids, Mich.

No. MC 35890 (Sub-No. E89), filed September 16, 1976. Applicant: BLODGETT FURNITURE SERVICE, INC., Thirty-Sixth St. S.E., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated*, from Chicago, Ill., to those points in South Carolina on and south and east of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 301 to junction U.S. Highway 601, thence along U.S. Highway 601 to U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 41406 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of October 21, 1975, and partially republished in the FEDERAL REGISTER issue of January 28, 1976, and partially republished, as corrected, this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, (e) between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, to those points in Indiana on, north and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31 through Kokomo, to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Gary, Ind.

NOTE.—The purpose of this partial correction is to indicate the correct "between" movements. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E3) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 2, 1975, and republished, as corrected, this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, (a) from points in Illinois on and south of Illinois Highway 16 (except points in Jersey and Macoupin Counties), to points in Sauk, Columbia, Dane, Dodge, Fond du Lac, Jefferson, Kenosha, Ozaukee, Racine, Richland, Rock, Sheboygan, Walworth, Washington, Waukesha Counties, Wis., on and east of a line beginning at the Wisconsin Dells on U.S. Highway 12, to junction U.S. Highway 14, to junction U.S. Highway 51, thence south to the Wisconsin-Illinois State line; and (b) from points in Cumberland, Clark, Jasper, Crawford, Richland, Lawrence, Edwards, Wabash, White, Saline, Gallatin, Hardin, Pope, Johnson, Massac, Pulaski, and Alexander Counties, Ill., to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41). The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone.

NOTE.—The purpose of this republican is to correct the territorial description.

No. MC 107107 (Sub-No. E30) (Correction), filed April 6, 1975, published in the FEDERAL REGISTER issues of June 13, 1975, and March 2, 1977, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Wichita, Kans., to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending long U.S. Highway 84 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, and those in Georgia on and south of U.S. Highway 280, restricted to commodities requiring temperature control in transit when moving to Savannah, Ga. The purpose of this filing is to elimnate the gateways of Florida and Jacksonville, Fla.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 107515 (Sub-No. E641), filed December 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, dairy products, and such articles distributed by meat packing houses as are foodstuffs*, as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), in vehicles equipped with mechanical refrigeraion, from points in Iowa, to points in Florida; points in Alabama on, south and east of a line beginning at the Alabama-Florida State line and extending along U.S. Highway 29 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Alternate U.S. Highway 231, thence over Alternate U.S. Highway 231 to junction Alabama Highway 77, thence over Alabama Highway 77 to junction U.S. Highway 411, thence over U.S. Highway 411 to the Georgia-Alabama State line; and Suffolk, Va., (2) *meats, meat products, and meat by-products, dairy products, and such articles distributed by meat packing houses, as are foodstuffs* as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier, Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) in vehicles equipped with mechanical refrigeration, from points in Iowa on, south and west of a line begin-

ning at the Iowa-Illinois State line and extending along Iowa Highway 2 to junction U.S. Highway 218, thence along U.S. Highway U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, to Norfolk, Va., (3) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses as are foodstuffs*, as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), in vehicles equipped with mechanical refrigeration, from Sioux City, Iowa, to Chattanooga, Tenn., and (4) *meats, meat products, and meat by-products, dairy products, and such articles distributed by meat packing houses as are foodstuffs*, as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), in vehicles equipped with mechanical refrigeration, from Iowa on and north of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to Sioux City, Iowa, to points in Alabama on, south and east of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 59 to junction Interstate Highway 65, thence along Interstate Highway 65 to Mobile, Ala. The purpose of this filing is to eliminate the gateway of the facilities of Refrigerated Transport Co., Inc. at Doraville, Ga.

No. MC 108341 (Sub-No. E12 (Partial Correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 4, 1975, and republished, as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters, weldments, and heat exchangers and parts* of the commodities above; and *iron and steel castings and forgings*, restricted to the transportation of commodities which because of size or weight require the use of special equipment and contractors' materials, supplies and equipment, commodities which do not require the use of special equipment in mixed loads with commodities which because of size or weight require the use of special equipment. * * * The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

NOTE.—The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 108676 (Sub-No. E3), filed June 4, 1974. (Part I—Sec. A and B) Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, consisting of contractors' equipment and coal and coke mining equipment, iron and steel articles, consisting, of construction equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *maintenance equipment, and parts, accessories, and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles, consisting of signs, sign poles and parts and accessories*, (A) (1) Between points in Alabama on and west of Jackson, Marshall, Blount, Jefferson, Tuscaloosa, Hale, Marengo, Clarke and Washington Counties, on the one hand, and, on the other, points in North Carolina. (2) Between points in Alabama on and north of a line beginning at the Alabama-Georgia State line, and extending along Interstate Highway 59 to the Alabama-Mississippi State line, and those points on and west of Tuscaloosa, Hale, Marengo, Clarke and Washington Counties, on the one hand, and, on the other, points in North Carolina, except Mecklenburg County, N.C. (3) Between points in Alabama on and west of a line beginning at the Georgia-Alabama State line, and extending along Interstate Highway 59, to junction U.S. Highway 31, thence south along U.S. Highway 31 (excluding Montgomery, Ala.), to the Gulf of Mexico, on the one hand, and, on the other, points in North Carolina except points in Mecklenburg, Union, Anson, Richmond, Scotland, and Robeson Counties. (4) Between points in Alabama on and north and west of a line beginning at the Alabama-Georgia State line, and extending along Interstate Highway 20, to junction U.S. Highway 31, thence west and south along U.S. Highway 31 (excluding Montgomery, Ala.) to the Gulf of Mexico, on the one hand, and, on the other, points in North Carolina except those on and south of Mecklenburg, Union, Anson, Richmond, Scotland, Robeson, Bladen, and Pender Counties. (5) Between points in Alabama on and north of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20, to junction U.S. Highway 31, thence along U.S. Highway 31 (excluding Montgomery, Ala.), to the Gulf of Mexico, on the one hand, and, on the other, points in North Carolina excluding those in or south of Mecklenburg, Cabarrus, Stanley, Montgomery, Moore, Hoke, Cumberland, Sampson and Pender Counties.

(6) Between points in Alabama on and north and west of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Florida-Alabama State line, on the one hand, and, on the other, points in North Carolina excluding those in or south of Mecklenburg, Cabarrus, Stanley, Montgomery, Moore, Harnett, Sampson, Wayne, Lenoir, Jones and Onslow Counties. (7) Between points in Alabama excluding those in or east of Barbour, Dale and Geneva Counties, on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to junction Interstate Highway 26, thence along Blue Ridge Parkway to the Virginia-North Carolina State line, and those points on and north of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 321 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 98, thence along North Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean. (8) Between points in Alabama excluding those in Barbour County (Eufaula), on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line, and extending along U.S. Highway 23, to junction Interstate Highway 26, thence along Blue Ridge Parkway to the Virginia-North Carolina State line, and those points on and north of a line beginning at the Tennessee-North Carolina State line, and extending along U.S. Highway 321 to junction U.S. Highway 421, to junction Interstate Highway 40, to junction Interstate Highway 85, to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the North Carolina-Virginia State line. (9) Between points in Alabama excluding those in or east of Henry, Dale, and Geneva Counties, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Yadkin, Stokes, Rockingham, Caswell, Person, Granville, Vance and Warren Counties. (10) Between points in Alabama, on the one hand, and, on the other, points in North Carolina in or north of Watauga, Wilkes, Surry Counties. (B) (1) Between all points in Alabama, on the one hand, and, on the other, all points in Virginia. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 108676 (Sub-No. E4), filed June 4, 1974. (Part I—Sec. C and D) Ap-

plicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel aticles*, consisting of *contractors' equipment and coal and coke mining equipment, iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments, therefor* (not including contractors' equipment), *maintenance equipment, and parts, accessories and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachment therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles*, consisting of *signs, sign poles and parts and accessories*, (C) (1) Between points in Barbour County (Eufaula), Ala., on the one hand, and, on the other, points in Kentucky in or east of Daviess, Ohio, Butler, Edmonson, Barren and Monroe Counties. (2) Between points in Alabama in or east of Barbour, Dale, and Geneva Counties, on the one hand, and, on the other, points in Kentucky in or east of Hancock, Breckinridge, Grayson, Edmonson, Barren and Monroe Counties. (3) Between points in Alabama in or east of Covington, Crenshaw, Pike, and Barbour Counties, on the one hand, and, on the other, points in Kentucky in or east of Meade, Hardin, Larue, Green, Adair, and Cumberland Counties. (4) Between points in Alabama in or south of Leburne, Calhoun, Talladega, Coosa, Elmore, Montgomery, Butler, Covington, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Kentucky in or east of Jefferson, Spencer, Nelson, Marion, Taylor, Adair, and Cumberland Counties. (5) Between points in Alabama in or south of Leburne, Calhoun, Talladega, Coosa, Chilton, Perry, Marengo, and Choctaw Counties, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, and extending along Kentucky Highway 61, to junction Kentucky Highway 55, thence along Kentucky Highway 55 to Kentucky-Indiana State line. (6) Between points in Alabama south of Franklin, Lawrence, Morgan, Marshall, and Dekalb Counties, on the one hand, and, on the other, points in Kentucky in or east of Gallatin, Owen, Franklin, Anderson, Mercer, Boyle, Lincoln, Pulaski, and Wayne Counties. (7) Between points in Alabama excluding those in Lauderdale and Colbert Counties, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, and extending along Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Ohio State line. (8) Between points in Alabama, on the one hand, and, on the other, points in Kentucky in or east of Boyd, Lawrence, Johnson, Mogoffin, Breathitt, Owsley, Jackson, Laurel, and Whitley Counties. (D) (1) Between points in Alabama in or south of Barbour, Pike, Crenshaw, Butler, Conecuh, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, and extending along U.S. Highway 127, to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line. (2) Between all points in Alabama, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, and extending along U.S. Highway 27 to junction U.S. Highway 70, to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 108676 (Sub-No. 5), filed June 4, 1974. (Part I—Sec. E and F.) Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, consisting of *contractors' equipment and coal and coke mining equipment, iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *maintenance equipment, and parts, accessories, and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, acessories and attachment therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles, consisting of signs, sign poles, and parts and accessories*, (E) (1) Between points in Georgia on, east and south of a line beginning at the Georgia-Tennessee State line, and extending along U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Alabama State line, on the one hand, and, on the other, points in North Carolina on, or east of Watauga, Wilkes, Alexander, Iredell, Rowan, Davidson, Montgomery, and Richmond Counties. (2) Between points in Georgia on and east of a line beginning at the Georgia-Tennessee State line, and extending along U.S. Highway 411 to junction U.S. Highway 41, to junction State Highway 61, to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line, on the one hand, and, on the other, points in North Carolina on and west and south of Watuga, Wilkes, Alexander, Iredell, Rowan, Davidson, Montgomery, Moore, Harnett, Sampson, Duplin, and Onslow Counties. (3) Between points in Georgia on or bounded on, east and south by Union, Lumpkin, Dawson, Cherokee, Paulding and Haralson Counties, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 301 to junction U.S. Highway 64, to junction U.S. Highway 17, to junction U.S. Highway 70, thence along U.S. Highway 70 to Wildwood, N.C. at or near Onslow Bay.

(F) (1) Between points in Georgia on and west of a line beginning at the Georgia-Tennessee State line, and extending along Interstate Highway 75 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Alabama State line, and also those points in Bartow, Paulding, Douglas, Coweta, Merriwether, Harris and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia. (2) Between points in Georgia on or west of Union, Fannin, Gilmer, Pickens, Bartow, Paulding, Douglas, Coweta, Merriwether, Harris and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia excluding those in or south of Patrick, Franklin, Pittsylvania, Halifax and Mecklenburg Counties. (3) Between points in Georgia in or west of Union, Lumplin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia in or north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Powhattan, Chesterfield, Charles City, James City, and York Counties (excluding those located in Northampton and Accomack Counties). (4) Between points in Georgia in or west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris, Chattahoochee, Stewart, Randolph, Calhoun, Baker and Decatur Counties, on the one hand, and, on the other, points in Virginia in or north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Powhattan, Chesterfield, Charles City and New Kent Counties. (5) Between points in Georgia in or west of Union, Lumpkin, Dawson, Fulton, Fayette, Pike, Upson, Taylor, Schley, Worth, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in Virginia in or northwest of north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Fluvanna, Louisa, Spotsylvania, Caroline, Essex, and Westmoreland Counties. (6) Between points in Georgia in or west of Towns, Write, Hale, Gwinnett, Dekalb, Henry, Spalding, Pike, Upson, Taylor, Schley, Sumter, Worth, Colquitt and Thomas Counties, on the one hand, and, on the other, points in Virginia in or northwest of north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Fluvanna, Louisa, Spotsylvania, Caroline, Essex and Westmoreland Counties.

(7) Between points in Georgia on or west of Towns, White, Hale, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Houston, Dooly, Turner, Tift, Cook and Lowndes Counties, on the one hand, and, on the other, points in Virginia on or northwest or north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetour, Rockbridge, Nelson,

Albermarle, Fluvanna, Louisa, Spotsylvania, Caroline, Essex and Westmoreland Counties. (8) Between points in Georgia on or west of Towns, White, Hale, Gwinnett, Rockdale, Newton, Jasper, Putnam, Baldwin, Wilkinson, Bleckley, Pulaski, Wilcox, Turner, Tift, Cook and Lowndes Counties, on the one hand, and, on the other, points in Virginia in or west of Alleghany, Rockbridge, Augusta, Rockingham, Page, Warren and Clarde Counties. (9) Between points in Georgia on or west of Towns, White, Hale, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Laurens, Wheeler, Telfair, Coffee, Atkinson, Lanier and Lowndes Counties, on the one hand, and, on the other, Bristol and Winchester, Virginia and points in proximity with Bristol and Winchester, Va. (10) Between points in Georgia on and west of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia on and north of Bath-Highland and Rockbridge-Augusta County lines, and those points on and west of Skyline Drive, to junction Interstate Highway 64, to junction U.S. Highway 340, thence west along U.S. Highway 340 to the Virginia-West Virginia State line. (11) Between points in Georgia on and west of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221 to junction U.S. Highway 341, to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line, on the one hand, and, on the other, Winchester, Va. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 108676 (Sub-No. E6), filed June 4, 1974. (Part I—Sec. G & H). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, consisting of Contractors' equipment and coal and coke mining equipment; Iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *maintenance equipment, and parts, accessories and attachments, therefor* (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachments therefor* (not including contractors' equipment), *and plant equipment, and parts, accessories and attachments therefor* (not including contractors' equipment). *Iron and steel articles*, consisting of *signs, sign poles and parts and accessories*. (G) (1) Between points in Georgia in or east of Union, White, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, Taliaferro, Warren, Jefferson, Emanuel, Toombs, Appling, Bacon, Ware, Atkinson, Berrien, Cook, Colquitt and Thomas Counties, on the one hand, and, on the other, points in Kentucky in or west of Lawrence, Johnson, Magoffin, Breathitt, Owsley, Clay and Bell Counties. (2) Between points in Georgia in or east of Union, Lumpkin, Hall, Barrow, Walton, Morgan, Putnam, Baldwin, Wilkinson, Bleckley, Pulaski, Dooly, Crisp, Lee, Dougherty, Mitchell, and Thomas Counties, on the one hand, and, on the other, points in Kentucky in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties and in or east of Crittenden, Caldwell, and Christian Counties. (3) Between points in Georgia excluding those in or east of Fannin, Gilmer, Pickens, Cherokee, Fulton, and Carroll Counties, on the one hand, and, on the other, points in Kentucky in or east of Daviess, Ohio, Grayson, Hart, Barren and Monroe Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties. (4) Between points in Georgia excluding those bounded on, north by Haralson, Paulding, Cobb, and Fulton Counties and bounded on the east by Fulton, Clayton, Fayette, Merriwether, Harris, Muscogee and Chattahoochee Counties, on the one hand, and, on the other, points in Kentucky in or east of Breckinridge, Grayson, Butler, Warren, and Simpson Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties. (5) Between points in Georgia excluding those in or west of Murray, Gordon, Bartow, and Polk Counties, on the one hand, and, on the other, points in Kentucky in or east of Hancock, Ohio, Grayson, Edmonson, Barren and Monroe Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties.

(6) Between points in Georgia excluding those in or east of Hart, Elbert, Oglethrope, Taliaferro, Warren, Glascock, Jefferson, Burke, Jenkins, and Screven Counties, on the one hand, and, on the other, points in Kentucky in or east of Martin, Floyd, Knott, Perry, Leslie and Harlan Counties. (7) Between points in Georgia on the one hand, and, on the other, points in Kentucky in or east of Meade, Hardin, Hart, Barren, and Monroe Counties and in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay and Bell Counties. (H) (1) Between points in Georgia in or east of Effingham, Bryan and Liberty Counties on the one hand, and, on the other, points in Tennessee in or west of Claiborne, Grainger, Hamblen and Cocke Counties, in or north of Lauderdale, Haywood, Madison, Henderson, Decatur, Perry, Lewis, Maury, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, Meigs, McMinn and Monroe Counties, and north of Tennessee-North Carolina State line from Monroe-Blount County line to Sevier-Cocke County line. (2) Between points in Georgia in Fannin, Union and Towns Counties, on the one hand, and, on the other, points in Tennessee in or west of Henry, Carroll, Henderson, Chester and McNary Counties and in or east of Scott, Anderson, Knox and Blount Counties. (3) Between points in Georgia in or east of Columbia, Richmond, Burke, Screven, Effingham and Chatham Counties, on the one hand, and, on the other, points in Tennessee, in or north of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Cheatham, Davidson, Wilson, Cannon, Warren, Van Buren, Cumberland, Morgan, Anderson, and Knox Counties and in or west of Union and Clairborne Counties. (4) Between points in Georgia in or east of Columbia, Richmond, Burke, Screven, Effingham, Bryan, Liberty, McIntosh, Glynn and Camden Counties, on the one hand, and, on the other, points in Tennessee in or north of Montgomery, Cheatham, Davidson, Wilson, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, Union and Claiborne Counties. (5) Between points in Georgia in or east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Screven, Effingham and Chatham Counties, on the one hand, and, on the other, points in Tennessee in or north of Dyer, Crockett, Madison, Carroll and Henry Counties and in Knox and Anderson Counties. (6) Between points in Georgia in or east of Columbia, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier and Lowndes Counties, on the one hand, and, on the other, points in Tennessee in or north of Montgomery, Robertson, Sumner, Trousdale, Smith, Putnam, Cumberland, Morgan Anderson, Knox, Union and Claiborne Counties. (7) Between points in Georgia in or east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier and Lowndes Counties on the one hand, and, on the other, points in Tennessee in Weakley, Henry, Anderson and Knox Counties.

(8) Between points in Georgia in or west of Union, Fannin, Dawson, Forsyth, Fulton, Clayton, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Pulaski, Wilcos, Ben Hill, Irwin, Berrien and Lowndes Counties on the one hand, and, on the other, points in Tennessee in or east of Scott, Anderson, Knox and Blount Counties. (9) Between points in Georgia in or east of Hart, Madison, Clarke, Oglethorpe, Wilkes, McDuffie, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Ben Hill, Irwin, Tift, Worth, Dougherty, Baker, Miller and Seminole Counties, on the one hand, and, on the other, points in Tennessee in or north of Macon, Jackson, Putnam, Cumberland, Morgan, Anderson, Knox, Union and Campbell Counties. (10) Between points in Georgia in or east of Hart, Madison, Clark, Oconee, Greene, Putnam, Baldwin, Wilkinson, Laurens, Dodge, Wilcox, Crisp, Lee, Dougherty, Baker, Miller and Seminole Counties, on the one hand, and, on the other, points in Tennessee in or north of Pickett, Fentress, Cumberland, Morgan, Anderson, Knox, Union and Campbell Counties. (11) Between points in Georgia in or west of Union, Lumpkin, Hall, Gwinnett, Dekalb, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Dodge,

Telfair, Ben Hill, Irwin, Berrien and Lowndes Counties, on the one hand, and, on the other, points in Tennessee in or east of Campbell, Anderson, Knox and Blount Counties and in or west of Greene, Washington and Sullivan Counties. (12) Between points in Georgia in or west of Union, Lumpkin, Hall, Gwinnett, Dekalb, Henry, Butts, Jasper, Putnam, Baldwin, Wilkinson, Laurens, Wheeler, Jeff Davis, Bacon and Ware Counties, on the one hand, and, on the other, points in Tennessee in or north of Campbell, Anderson, Knox, Grainger and Hamblen Counties and that part of Sullivan County on and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 23 at or near Kingsport, Tenn., thence along U.S. Highway 23 to the Tennessee-North Carolina State line. (13) Between points in Georgia excluding those in Lincoln, Wilkes, McDuffie, Jefferson, Burke, Jenkins, and Screven Counties, on the one hand, and, on the other, points in Tennessee in Campbell, Anderson, Knox, Grainger, Hamblen, Hancock, Claiborne and Union Counties. (14) Between points in Georgia, on the one hand, and, on the other, points in Tennessee in Knox and Anderson Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 112070 (Sub-No. E40), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between those points in Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to Escanaba, Mich., on the one hand, and, and, on the other, points in Pennsylvania; (b) between points in Berrien County, Mich., on the one hand, and, on the other, to those points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line; (c) from points in Berrien County, Mich., to points in New York, New Jersey, and Connecticut; (d) between those points in Michigan on and west of a line beginnng at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to Escanaba, Mich., on the one hand, and on the other, points in New York, New Jersey, and Connecticut; (e) from those points in Michigan on and west of a line beginning at the International Boundary between the United States and Canada, and extending along Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Tennessee; (f) between points in Michigan, on the one hand, and, on the other, those points in Tennessee on and west of a line beginning at Clarksville, Tenn., near the Kentucky-Tennessee State line, and extending along Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Mississippi State line.

(g) Between those points in Michigan on and west of a line beginning at Sault St. Marie, Mich., at the International Boundary line between United States and Canada, and extending along Interstate Highway 75 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, to those points in Kentucky on and west of a line beginning at Louisville, Ky., at or near the Indiana-Kentucky State line, and extending along U.S. Highway 150, thence along U.S. Highway 150 to Daniel Boone Parkway, thence along Daniel Boone Parkway to Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to the Kentucky-Virginia State line; (h) between points in Berrien County, Mich., on the one hand, and, on the other, points in Massachusetts; (i) between those points in Michigan on and west of a line beginning at Marquette, Mich., on Lake Superior, and extending along Michigan Highway 28 to junction Michigan Highway 94, thence along Michigan Highway 94 to Lake Michigan, on the one hand, and, on the other, points in Massachusetts; (j) between those points in Michigan on and west of a line beginning at Marquette, Mich., on Lake Superior, and extending along Michigan Highway 28 to junction Michigan Highway 94 to Lake Michigan, on the one hand, and, on the other, points in Ohio; (k) between points in Michigan, on the one hand, and, on the other, to those points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, and extending along U.S. Highway 41 to the Kentucky-Tennessee State line; (l) between those points in Michigan on and west of a line beginning at Marquette, Mich., on Lake Superior, and extending along U.S. Highway 41 to Lake Michigan, on the one hand, and, on the other, points in Indiana; (m) between points in Michigan, on the one hand, and, on the other, points in Posey and Vanderburgh Counties, Ind.

(n) Between points in Chippewa, Mackinac, Luce, Alger, Schoolcraft, Delta, Menominee, Dickinson, Marquette, Iron, Baraga, Houghton, Keweenaw, Ontonagon, Gogebic Counties, Mich., and points on and west of a line beginning at Mackinaw City, Mich., and extending south along Interstate Highway 75 to junction Michigan State Highway 46, thence along Michigan State Highway 46 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line, and extending along Connecticut Highway 198, thence along Connecticut Highway 198 to junction Connecticut Highway 32, thence along Connecticut Highway 32 to Block Island Sound; (o) between points in Chippewa, Mackinac, Luce, Alger, Schoolcraft, Delta, Menominee, Dickinson, Marquette, Iron, Baraga, Houghton, Keweenaw, Ontonagon, Gogebic Counties, Mich., on the one hand, and, on the other, points in Connecticut; (p) between points in Michigan on and west of a line beginning at Little Traverse Bay, at or near Petoskey, Mich., and extending along U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan, on the one hand, and, on the other, those points in Indiana on and west of a line beginning at Lake Michigan, and extending along Interstate Highway 41, thence along Interstate Highway 41 to the Indiana-Kentucky State line; (q) between points in the Upper Peninsula of Michigan and points in Emmett, Charlevoix, Antrim, Kalkaska, Grand Traverse, and Benzie Counties, Mich., on the one hand, and, on the other, those points in Indiana on and west of a line beginning at Lake Michigan, and extending along Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line; (r) between points in Michigan on and west of a line beginning at Lake Superior, and extending along U.S. Highway 41, thence along U.S. Highway 41 to Escanaba, Mich., on Lake Michigan, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 112070 (Sub-No. E95), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in Illinois on and north of a line beginning at the Illinois-Missouri State line, and extending along U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in New Mexico on and west and north of a line beginning at or near the New Mexico-Oklahoma State line and extending along New Mexico Highway 325 to junction U.S. Highway 64, to junction Interstate Highway 25, thence south along Interstate Highway 25 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to the New Mexico-Arizona State line; (b) Between points in Illinois, on the one hand, and, on the other, points in Utah, and points in San Juan County, N. Mex.; (c) Between points in Illinois on and north of a line beginning at the Illinois-Indiana State line, and extending along Interstate Highway 80, thence along Inter-

state Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, to those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line; (d) Between points in Illinois, on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the Colorado-New Mexico State line, and extending along U.S. Highway 285 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line; (e) Between points in Lake, Dupage, Cook, Winnebago, Boone and McHenry Counties, Ill., on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Missouri, Iowa, Colorado, and Denver, Colo., and within 10 miles thereof.

No. MC 112070 (Sub-No. E96), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan on and west of a line beginning at Lake Superior, at Marquette, Mich., and extending along U.S. Highway 41, thence south on U.S. Highway 41 to Escanaba, Mich., at Lake Michigan, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Iowa, and Denver, Colo., and points within 10 miles thereof.

No. MC 112070 (Sub-No. E97), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in Pennsylvania, on the one hand, and, on the other, points in Utah; (b) Between points in Pennsylvania, on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along U.S. Highway 85 to junction Interstate Highway 25, to junction U.S. Highway 84, to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Texas State line; (c) Between points in Pennsylvania on the one hand, and, on the other, those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, and Denver, Colo., and within 10 miles thereof.

No. MC 112070 (Sub-No. E98), filed June 4, 1974. APPLICANT: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in Minnesota, on the one hand, and, on the other, points in New Mexico, and to those points in Utah on and south of a line beginning at the Wyoming-Utah State line, and extending along Interstate Highway 80 to junction U.S. Highway Alternate 50, to junction Utah Highway 36, to junction U.S. Highway 6–50, thence along U.S. Highway 6–50 to the Utah-Nevada State line; (b) Between points in Minnesota on and south of a line beginning at the Wisconsin-Minnesota State line, and extending along U.S. Highway 212 to the Minnesota-South Dakota State line, on the one hand, and, on the other, those points in Utah on and north of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to the Utah-Nevada State line. The purpose of this filing is to eliminate the gateways of points in Iowa and Denver, Colo., and points within 10 miles thereof.

No. MC 112070 (Sub-No. E99), filed June 4, 1974. APPLICANT: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Utah, and those points in New Mexico on and west of a line beginning at the Colorado-New Mexico State line, and extending along Interstate Highway 25 to junction U.S. Highway 84, to junction U.S. Highway 66, east to junction U.S. Highway 54, to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, and Denver, Colo., and points within 10 miles thereof.

No. MC 114868 (Sub-No. E49), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: H. E. Newlon, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (2) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (3) (a) between points in Ohio, on the one hand, and, on the other, points in Maryland (except Garrett, Allegany, and Washington Counties). The purpose of this filing is to eliminate the gateway of Washington, D.C. (3) (b) between points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 160 to junction Ohio Highway 324, thence along Ohio Highway 324 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 28, thence along Ohio Highway 28 to junction Ohio Highway 73, thence along Ohio Highway 73 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Maryland (except Allegany and Garrett Counties). The purpose of this filing is to eliminate the gateway of Washington, D.C. (4) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (5) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville.

(6) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (7) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville (8) (a) between points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, then along U.S. Highway 68 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in South Carolina on, east, and north of a line beginning at the North Carolina-South Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 521, thence along U.S. Highway 521 to the Atlantic Ocean. The purpose of this filing s to eliminate the gateway of Washington, D.C.

(8) (b) between points in Ohio on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 250 to Lake Erie, on the one hand, and, on the other, points in South Carolina on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Washington, D.C. (9) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the oth-

er, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville. (10) between points in Ohio within 10 miles north of the Ohio River, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville.

No. MC 116325 (Sub-No. E4) (Partial correction), filed June 4, 1976, published in the FEDERAL REGISTER issue of August 14, 1975, and republished, as corrected this issue. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden poles, posts, piling, blocking, skids, squares, crating, wooden pallets, pallet bins, boxes, and pallet materials*, from points in Missouri on and east of U.S. Highway 67, to points in Kansas; and . . . The purpose of this filing is to eliminate the gateway of Bollinger and Wayne Counties, Mo.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 118831 (Sub-No. E42), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 2608, High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina, on and north of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321, to junction North Carolina Highway 275, thence along North Carolina Highway 275 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 150, thence along North Carolina Highway 150 to junction U.S. Highways 29 and 70, thence along U.S. Highways 29 and 70 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 97, thence along North Carolina Highway 97 to junction North Carolina Highway 125, thence along North Carolina Highway 125, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to the Atlantic Ocean, thence along the Atlantic Ocean Coast to the North Carolina-South Carolina State line and westward with the North Carolina-South Carolina State line to point of beginning, including all points on said boundary (except not applicable on caustic soda from Acme, N.C. and points within 5 miles thereof), to points in Missouri, (except points in the St. Louis, Mo., Commercial zone), points in Illinois (except points in the East St. Louis, Ill., Commercial zone), to points in Wisconsin, and to those points in Tennessee, on and west of a line beginning at the North Carolina-Tennessee State line, and extending along Tennessee Highway 123 to junction Tennessee Highway 68.

Thence along Tennessee Highway 68 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 25W, thence along U.S. Highway 25W to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line, those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 461, thence along Kentucky Highway 461 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Kentucky Highway 388, thence along Kentucky Highway 388 to junction Kentucky Highway 227, thence along Kentucky Highway 227 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Ohio State line, to those points in Ohio, on and west of a line beginning at the Ohio-Kentucky State line, and extending along Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 177, thence along Ohio Highway 177 to Ohio-Indiana State line, to those points in Indiana on and west of a line beginning at the Indiana-Ohio State line, and extending along Indiana Highway 227 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 205, thence along Indiana Highway 205 to junction Indiana Highway 327, thence along Indiana Highway 327 to the Indiana-Michigan State line; to those points in Michigan, on and west of a line beginning at the Michigan-Indiana State line, and extending along unnumbered Michigan highway to Bronson, Mich., thence along U.S. Highway 12 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction Interstate Highway 94, thence along Interstate Highway 94 to the International Boundary line between United States and Canada. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 118831 (Sub-No. E43), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina on and north of a line beginning at the North Carolina-South Carolina State line, and extending along Interstate Highway 85 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 50, thence southeastward along North Carolina Highway 50 to the Atlantic Ocean; thence southward and westward along the Atlantic Coast to the North Carolina-South Carolina State line; thence westward along the North Carolina-South Carolina State line to point of beginning (except not applicable on Caustic Soda from Acme, N.C. and points within five miles) to points in Illinois (except points in the East St. Louis, Ill., Commercial Zone), Indiana, Michigan, Missouri (except points in the St. Louis, Mo. Commercial zone), Tennessee, Wisconsin, and those points on and north and west of a line beginning at the Kentucky-Virginia State line, and extending along Kentucky Highway 80, thence north along Kentucky Highway 80 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction Kentucky Highway 1, thence along Kentucky Highway 1 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Ohio State line; to points in Ohio beginning at the Ohio-Kentucky State line, and extending along Ohio Highway 139 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction Ohio Highway 346, thence along Ohio Highway 346 to junction U.S. Highway 50 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 118831 (Sub-No. E44), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Suite 805 McLachlen Bank Bldg., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, (1) from Asheboro, N.C. to points in Missouri (except St. Louis Commercial zone), Illinois (except E. St. Louis Commercial zone), Wisconsin, Michigan, Indiana; (2) from Asheboro, N.C., to those points in Tennessee on and west of a line beginning at the North Carolina-Tennessee State line, and extending along Tennessee Highway 107 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Tennessee Highway 81, thence along Tennessee Highway 81 to junction Tennessee Highway 93, thence along Tennessee Highway 93 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Tennessee-Virginia State line; (3) from Asheboro, N.C., to those points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line and extending along Kentucky Highway 160, thence along Kentucky Highway 160 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction Kentucky Highway 1, thence along Kentucky Highway 1 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 59, thence along Kentucky Highway 59 to junction Kentucky Highway 10, thence along Kentucky Highway 10 to the Kentucky-Ohio State line; (4) from Asheboro, N.C., to those points in Ohio on and west of a line beginning at the Kentucky-Ohio State line, and extending along U.S. Highway 62 to junction Ohio Highway 32, thence along Ohio Highway 32 to junction Ohio Highway 134, thence along Ohio Highway 134 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E45), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, Suite 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line, and extending along U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-South Carolina State line, (a) to those points in Michigan on and north of a line beginning at Saginaw Bay and extending along unnumbered highway through Pinconning, Mich., to U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 42, thence along Michigan Highway 42 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 113, thence along Michigan Highway 113 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 22, thence along Michigan Highway 22 to Empire, Mich., at Lake Michigan and, those points in Upper Peninsula of Michigan on and north of a line bgeinning at the Lake Michigan and extending along U.S. Highway 41 to unnumbered Michigan highway to junction Michigan Highway 95, thence along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction Michigan Highway 73, thence along Michigan Highway 73 to Michigan-Wisconsin State line, (b) to those points in Wisconsin on and north and west of a line beginning at the Wisconsin-Michigan State line, and extending along Wisconsin Highway 55 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 86, thence along Wisconsin Highway 86 to junction Wisconsin Highway 102, thence along Wisconsin Highway 102 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 93, thence along Wisconsin Highway 93 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to the Wisconsin-Iowa State line, (c) to those points in Missouri on and west of a line, beginning at the Missouri-Iowa State line, and extending along unnumbered paved road to junction Missouri Highway 46 and 246, thence along Missouri Highway 46 to junction Missouri Highway 113, thence along Missouri Highway 113 to junction Missouri Highway 118, thence along Missouri Highway 118 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Missouri-Nebraska State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 118331 (Sub-No. E46), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. Applicant's representative: E. Stephen Heisley, Suite 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles from points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 117, thence along U.S. Highway 117 to North Carolina Highway 132, thence along North Carolina Highway 132 to junction U.S. Highway 74, thence along U.S. Highway 74 to Wrightsville Beach, N.C. at Onslow Bay, to points in Illinois (except points in the East St. Louis, Ill., Commercial Zone), Indiana, Kentucky, Michigan, Missouri (except points in the St. Louis, Mo., Commercial Zone), Ohio, Tennessee, and Wisconsin (except not applicable on caustic soda from Acme, N.C. and points within five miles thereof). The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 129068 (Sub-No. E29), filed December 1, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 South Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: I. E. Chenoweth, 420 South Main St., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used mobile homes*, in secondary movements, in truckaway service, from points in Oklahoma bounded by a line beginning at Anadarko and extending west along Oklahoma Highway 9 to junction U.S. Highway 183, thence south along U.S. Highway 183 to Snyder to junction U.S. Highway 62, thence east along U.S. Highway 62 to junction Oklahoma Highway 54, thence north along Oklahoma Highway 54 to junction Oklahoma Highway 49, thence east along Oklahoma Highway 49 to junction Oklahoma Highway 58, thence north along Oklahoma Highway

58 to junction Oklahoma Highway 19, thence east along Oklahoma Highway 19 to junction Oklahoma Highway 8, thence north along Oklahoma Highway 8 to the point of beginning, to points in Kansas on and north of a line beginning at the Oklahoma-Kansas State line and extending along Kansas Highway 25 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 31, thence along Kansas Highway 31 to Garnett, thence east to Goodrich to junction unnumbered highway, thence north along unnumbered highway to Parker to junction Kansas Highway 135, thence along Kansas Highway 135 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Lawton, Okla.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9788 Filed 3-31-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

TIME AND DATE: 10:00 a.m., April 1 1977.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

(1) Executive Reassignments within the Board.

(2) Federal Employee of the Year Awards.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, Telephone No. (312) 387-4920.

[S-65-77 Filed 3-29-77;2:30 pm]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

MEETING

MARCH 29, 1977.

Pursuant to the Government in the Sunshine Act, 5 U.S.C. 552b, notice is hereby given that the Equal Employment Opportunity Commission will meet on Tuesday, April 5, 1977, in the Chairman's Conference Room, Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

The first portion of the meeting, starting at 9:30 a.m. (Eastern Time) will be open to the public, and the Commission plans to consider the following matter during this open session:

Freedom of Information Act Appeal No. 76-12-FOIA-283. This appeal is for waiver of the fee charged by the Commission for its records search in connection with a Freedom of Information Act request by Syed I. Jafree.

Immediately after the open session and departure of the public observers, the Commission plans to consider the following matters in closed session:

(1) *Litigation Authorization; General Counsel Recommendations.* Six cases will be presented to the Commission by the General Counsel recommending authorization to bring suit.

(2) *Decision in Charge No. TIN3-0838.* A proposed decision is to be presented to the Commission for consideration.

(3) *Proposal to Establish a Subdistrict Office in Minneapolis/St. Paul, Minnesota.* The Commission will consider a proposal by the Director of its Milwaukee District Office, through the Director of the Chicago Regional Office, that a subdistrict office be established in the Minneapolis/St. Paul, Minnesota, area, for the purpose of processing charges of discrimination filed against respondents in the State of Minnesota.

If you have any questions concerning the agenda for the April 5, 1977 Commission meeting, please contact the Office of the Executive Secretariat at (202) 634-6748.

Issued March 29, 1977.

By order of the Commission.

ETHEL BENT WALSH,
Vice Chairman.

[S-67-77 Filed 3-30-77;8:59 am]

3

FEDERAL POWER COMMISSION

CHANGE OF MEETING SUBJECT MATTER

MARCH 28, 1977.

The following item is added to the Commission meeting of March 31, 1977, upon the affirmative vote of Chairman Dunham, and Commissioners Smith, Holloman, and Watt:

G-22. Docket No. CP77-106, Mississippi River Transmission Corporation, Docket No. CP77-131, Natural Gas Pipeline Company of America.

KENNETH F. PLUMB,
Secretary.

[S-63-77 Filed 3-29-77;1:15 pm]

4

SECURITIES AND EXCHANGE COMMISSION

MEETINGS

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the month of April, 1977 in Room 825, 500 North Capitol Street, Washington, D.C. All meetings will begin at 10:00 a.m. unless otherwise stated:

Closed Meetings will be held on Tuesday, April 5; Wednesday, April 6; Tuesday, April 12; Wednesday, April 13; Tuesday, April 19; and Tuesday, April 26. A closed meeting will also be held on Wednesday, April 27 at the conclusion of the open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission has certified that the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4)(8)(9)A and (10).

The subject matter of the April 5th closed meeting will be:

1. Formal Orders of Investigation.
2. Institution of Injunctive Action.
3. Settlement of Administrative Proceedings.
4. Institution and Settlement of injunctive actions and/or Administrative Proceedings.
5. Transmittal of investigative information to other enforcement agencies.
6. Consideration of request for investigative documents.
7. Consideration of insider trading matter.
8. Advice concerning trading practices in dually traded options.
9. Application for exemption by company under investigation.
10. Consideration of exemption for specified distribution procedures.
11. Other litigation matters.

The subject matter of the April 6th closed meeting will be:

1. Institution of Injunctive Actions.
2. Opinions.
3. Freedom of Information Act Appeal.
4. Consideration of certain proposed payments to foreign investment advisers.

The subject matter of the April 12th closed meeting will be:

1. Formal Orders of Investigation.
2. Institution of Injunctive Actions.
3. Settlement of Injunctive Actions.
4. Institution of Administrative Proceedings.
5. Settlement of Administrative Proceedings.
6. Simultaneous institution and settlement of injunctive actions and/or Administrative Proceedings.
7. Transmittal of investigative information to other enforcement agencies.
8. Freedom of Information Act Appeals.
9. Other litigation matters.

The subject matter of the April 13th closed meeting will be:

1. Institution of Injunctive Actions.
2. Institution of Administrative Proceedings.
3. Institution and settlement of injunctive actions and/or Administrative Proceedings.
4. Freedom of Information Act Appeal.
5. Other Litigation matters.

The subject matter of the April 19th closed meeting will be:

1. Institution of Injunctive Actions.
2. Institution of Administrative Proceedings.
3. Settlement of Administrative Proceedings.
4. Contempt proceedings.
5. Report of Investigation.
6. Advice concerning Lost and Stolen Securities Program.
7. Exchange request regarding proposed trading practices.
8. Freedom of Information Act Appeals.
9. Other litigation matters.

The subject matter of the April 26th closed meeting will be:

1. Formal Orders of Investigation.
2. Institution of Injunctive Actions.
3. Settlement of Injunctive Actions.
4. Institution of Administrative Proceedings.
5. Settlement of Administrative Proceedings.
6. Opinions regarding options trading proposal.
7. Other litigation matters.

The subject matter of the April 27th closed meeting will be Opinions.

Meetings open to the public will be held on Tuesday, April 5 at 2:30 p.m.; Thursday, April 7; Thursday, April 14; Wednesday, April 20; Thursday, April 21; Wednesday, April 27 and Thursday, April 28.

The subject matters of the open meetings will be:

OPEN MEETING—TUESDAY, APRIL 5, 1977—2:30 P.M.

Oral Argument in appeal by Marshall Waddel from a decision of the National Association of Securities Dealers, Inc.

OPEN MEETING—THURSDAY, APRIL 7, 1977—10 A.M.

1. Request that the Commission review the Division of Corporation Finance's determination concerning two shareholder proposals Mr. Carl Olsen submitted to Reserve Oil and Gas Company for inclusion in the Company's proxy materials for the 1977 annual meeting of shareholders. The Division has recommended that the Commission not review the matter.

2. Recommendation that the Commission issue a release to: (1) Clarify an ambiguity by indicating that Form S-7 (and Form S-16) is not available for use by certain foreign private issuers; and (2) announce the adoption of a minor amendment relating to the use of summary prospectuses permitted by Form S-7.

3. Recommendation that the Commission affirm the action of Commissioner Evans, as duty officer, authorizing Commission counsel to advise the court that, with respect to the fee applications submitted in the *SEC* v. *First Securities Co. of Chicago:*

(1) The Commission has no objection to the award of fees requested by the receiver; and,

(2) Despite the fact that certain of the items listed on the fee schedule of the receiver's counsel may not be compensable, the Commission—in view of the low amount per hour being sought by counsel and in light of the fact that counsel is not seeking compensation for all of the hours listed on their schedule—has no objection to the award requested by counsel but suggests that any coverage which the court finds should instead be paid to the receiver.

4. Recommendation that the Commission send a letter and accompanying memorandum to the U.S. House of Representatives Committee on Government those provisions of the Department of Energy Reorganization Bill which would affect the Public Utility Holding Company Act of 1935. (H.R. 4263)

5. Recommendation that the Commission not object if the Office of General Counsel sends a letter to the General Accounting Office (1) stating that the Commission intends in the near future to reexamine the fees it charges under the Independent Offices Appropriations Act; (2) discussing the decision in *National Cable Television, Inc.* v. *Federal Communications Commission* (C.A.D.C. December 16, 1976); and (3) expressing the informal view of this Office that the decision in the case does not appear substantially to affect our prior analyses of the Commission fees.

6. Recommendation that the Commission send a proposed letter to the Chairman of the Administrative Conference of the United States describing the Commission's current procedure in soliciting public comments on interpretive rules and policy statements and expressing its intent to follow the Recommendations of the Conference where appropriate.

7. Recommendation that the Commission affirm the action of Commissioner Loomis, as Duty Officer on March 1, 1977, authorizing counsel for Howard Steven Strouth to use an original blueprint geological map from the Commission's investigatory files in an administrative proceeding before the Federal Communications Commission, but directing this Office to urge the Administrative Law Judge to accept a xerox copy of the map for the purposes of the proceeding's record.

8. Recommendation that the Commission send a letter to Honorable John M. Murphy, Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, not objecting to the enactment of H.R. 1643 and pointing out that securities to be issued under the Bill by the Secretary of the Interior would be exempted from the registration requirements of the Securities Act of 1933 and the Securities Exchange Act of 1934, but that persons dealing in such securities would be subject to the anti-fraud provisions of those Acts.

9. Recommendation that the Commission send a letter expressing the Commission's support of H.R. 1767 to the House Committee on Interstate and Foreign Commerce.

10. Recommendation that the Commission affirm the extension, approved by Commissioner Loomis as Duty Officer, of the comment period for proposed Rule 17f-4 under the Investment Company Act of 1940 from March 15, 1977 to April 11, 1977, and approve the Federal Register release announcing the extension.

OPEN MEETING—THURSDAY, APRIL 14, 1977—10 a.m.

1. Proposed Amendment to Rule 146 under the Securities Act of 1933 to require reports of sales pursuant to the Rule.

2. Recommendation that the Commission send letters to the House and Senate Committees on Government Operations expressing the Commission's views on H.R. 1947 and S. 2, bills which would require, among other things, a review of Government programs and an authorization of new budget authority at least every five years.

3. Recommendation that the Commission send a letter to the House Committee on Government Operations, expressing the Commission's opposition to H.R. 930 and H.R. 963, "sunset" bills which propose the possible abolition of certain governmental agencies.

4. Recommendation that the Commission send a letter to the House Committee on Government Operations expressing the Commission's views on H.R. 2107, a bill which would require, among other things, a new budget authority for Government programs at least every five years.

5. Recommendation that the Commission send a letter to the House Committee on Government Operations, expressing the Commission's opposition to H.R. 3181, a "sunset" bill that proposes the possible abolition of certain governmental agencies.

6. Recommendation that the application for exemption from Section 15B of the Securities Exchange Act of 1934 concerning regulation of municipal securities dealers, be granted; request for exemption by the State of North Dakota doing business as the Bank of North Dakota.

7. Recommendation that proposed amendments to annual report Form U5S be adopted. If adopted, registered holding companies under the Public Utility Holding Company Act of 1935 and their subsidiaries which are public issuers would be required to file annual reports in conformity with Form 10-K under the Securities Exchange Act of 1934 as well as annual reports on Form U5S.

8. Recommendation for statutory changes in the beneficial ownership requirements which are designed generally to implement recommendations of the Street Name Study including:

(a) A requirement that any person owning beneficially more than five percent of any class of section 13(d) security who is not currently required to report under section 13(d) of the Securi-

ties Exchange Act of 1934 (the "Act") file with the Commission a short statement detailing relevant ownership information and to transmit such ownership statement to the issuer and to any exchange on which the security in questions is listed; and

(b) That section 15(d) of the Act be amended to clarify the Commission's power to define "held of record" for purposes of that section.

9. Recommendation that the Commission consider the application by the Bank of America National Trust and Savings Association for concurrence in the opinion of the Division of Corporation Finance that the proposed offering of mortgage backed pass-through certificates are not exempt from the Securities Act under section 3(a)(2), and authorize the Division to so advise the Bank in a letter.

OPEN MEETING—WEDNESDAY, APRIL 20, 1977—10 A.M.

1. Many corporations frequently are billed for the distribution of communications by persons who are not shareholders of record and do not otherwise represent beneficial owners of the corporations' securities. The Division of Enforcement recommends that the Commission publish a Release advising issuers of this problem, requesting them to follow certain preventive measures, and warning firms who engage in questionable billing practices that they may be subject to enforcement actions.

2. Recommendation that the Commission authorize release stating its policies with respect to the release of Wells submissions under the Freedom of Information Act.

3. Recommendation that temporary Rule 206A-(T) under the Investment Advisers Act of 1940 ("Advisers Act") exempting until April 30, 1977 certain brokers and dealers from the Advisers Act and the rules thereunder be further extended.

4. Recommendation that the Commission propose certain revisions to Rule 19b-4 under the Exchange Act in order to simplify its operation.

5. Proposed rule change of the NYSE to redefine the term "percentage order" and prescribe procedures for the execution of such orders.

6. Chicago Board Options Exchange has proposed to adopt a rule prohibiting trading of options or their underlying stocks by persons having non-public information as to a block transaction in such options or underlying stock. The prohibition with respect to each block transaction would commence when the terms of the block transaction had been agreed to by all parties to the transaction and would end when information as to the transaction was available via a high-speed communications line or an exchange transaction tape.

7. Recommendation that the Commission publish a release announcing the adoption of an amendment to Rule 17a-3(a)(9) under the Securities Exchange Act relating to records with respect to beneficial owners of accounts to be maintained by brokers and dealers which would have an impact upon the investment activities of foreign persons in the United States.

8. The Municipal Securities Rulemaking Board intends to publish a new Exposure Draft of proposed rule G-11, to govern sales of municipal securities during the underwriting period. The Exposure Draft will have a thirty-day comment period which should expire sometime during the week of April 18, 1977. The Division of Market Regulation recommends that the Commission consider whether it wishes to authorize the staff to send a comment letter on Exposure Draft.

9. Proposed rule G-12 of the Municipal Securities Rulemaking Board, to provide for uniform practices for interdealer transactions in the municipal securities industry.

10. That the Division of Market Regulation is recommending the adoption of proposed Rule 10b-10 with certain revisions. Rule 10b-10 would establish new confirmation delivery and disclosure requirements.

OPEN MEETING—THURSDAY, APRIL 21, 1977—10 A.M.

1. Recommendation that proposed letter be sent to Municipal Securities Rulemaking Board suggesting that they adopt a program to monitor the effect of MSRB rules on the municipal securities markets and participants in those markets.

2. Recommendation that the National Association of Securities Dealers be granted access to financial and operational information (FOCUS data) for joint NASD/exchange members designated to another self-regulatory organization.

3. Proposed amendment of Rules 15b10-6 and 17a-4 under the Securities Exchange Act of 1934 to establish an orderly procedure for the disposition of broker-dealer books and records upon the liquidation of the broker-dealer. The proposed amendments would provide the appropriate judicial authority with the power to relieve a court-appointed trustee or receiver from the preservation requirements of Rules 15b10-6 and 17a-4: *Provided*, That an opportunity to secure any necessary books and records has been afforded to the Commission, Securities Investor Protection Corp. and the designated self-regulatory organization.

4. Recommended issuance by the Commission of a release, announcing the adoption of certain amendments to Rule 15c3-1, the uniform net capital rule, and Rule 15c3-3, the customer protection rule. The amendments are essentially those proposed in Securities Exchange Release No. 11969 (January 2, 1976), modified in light of suggestions received in response to the Commission's solicitation of public comment upon the proposals. The amendments are intended to require brokers and dealers to reflect in their capital computations, the exposure resulting from certain short security positions, to enable net capital computations to take into account more completely the risks associated with transactions in options and to effect certain technical adjustments to these rules.

5. Recommended issuance by the Commission of a release adopting amendments to the FOCUS Report and accompanying rules, and a release proposing amendments to certain statements and schedules on Form X-17A-5.

Exchange Act section 12(h) Applications.

6. Itel Computer Dimensions, Inc. File No. 81-253.

7. Gracious Estates Properties, Ltd. File No. 81-237.

8. American Brands Overseas, N.V. File No. 81-254.

9. American Tobacco International Corporation File No. 81-255.

10. Sherwood Medical Industries, Inc. File No. 81-251.

11. Recommendation that the Commission issue a release indicating that it will defer direct action regarding implementation of a nationwide system for complaint processing and resolution of investor disputes pending the outcome of a conference comprised of representatives of self-regulatory organizations, broker and dealers, and members of the public.

12. The staff will recommend legislation to (1) amend section 15(b)(6) of the Securities Exchange Act of 1934 to empower the Commission to name foreign financial institutions as subjects of its administrative proceedings and (2) to clarify the ancillary subpoena enforcement power which the Commission requires to compel cooperation in its investigations involving Swiss banks and other foreign entities not ordinarily subject to the jurisdiction of any U.S. courts.

The latter change will be accomplished by amending section 21(c) of the Securities Exchange Act of 1934 to expressly authorize the appropriate district courts to issue orders in cases where persons refuse to disclose information that is necessary for the Commission to complete its investigation expeditiously.

13. Proposal to replace the existing Article 9 of Regulation S-X with a new article to contain requirements as to form and content of consolidated and unconsolidated financial statements of bank holding companies and banks. The proposal includes requirements for balance sheets and income statements and also for disclosures concerning foreign operations.

OPEN MEETING—WEDNESDAY, APRIL 27, 1977—10 A.M.

1. Recommendation that the Commission authorize publication of a release announcing the scheduling of public hearings and soliciting public comments in connection with a broad reexamination of the proxy rules, to determine whether amendments are necessary or appropriate in the public interest or for the protection of investors to improve shareholder communications, participation in the corporate electoral process and shareholder democracy.

2. Recommendation that the Commission authorize publication for comment of proposed revisions to certain disclosure forms and guides. Forms S–1 and S–7 under the Securities Act of 1933 and Forms 10 and 10–K under the Securities Exchange Act of 1934 would be revised to require inclusion within the business discussion called for by each form of five year financial information by industry segment and by geographic area prepared pursuant to the statement on financial reporting for segments of a business enterprise which was released by the Financial Accounting Standards Board in December, 1976. Guides 1 and 22 of Release 33–4936 would be revised to require the management's discussion and analysis to be presented by and focused on this segmented information. The action will also deal with the recommendation of the Advisory Committee on Corporate Disclosure that Form 10–Q under the Exchange Act be revised to require the presentation of segment financial information on a quarterly basis.

3. Recommendation that the Commission authorize submission of a memorandum to the Subcommittee on Civil Rights and Constitutional Rights, House Committee on the Judiciary respecting H.R. 6 a recodification of the Bankruptcy Act.

OPEN MEETING—THURSDAY, APRIL 28, 1977—10 A.M.

1. Recommendation that comments be conveyed to the House Committee on Government Operations on H.R. 3222, a bill to amend the Defense Production Act of 1950, *inter alia*, to prohibit any government contracting officer during his employment from accepting any compensation from any government contractor; to bar, for two years following government employment, receipt of compensation from any contractor who received any funds under any procurement contract handled by the officer; prohibiting, during employment, stock ownership or other financial holding in any contractor affected by action taken by the contracting officer; and barring the granting of any prohibited compensation to the contracting officer.

2. Recommendation that comments be conveyed to the House Committee on Interstate and Foreign Commerce on H.R. 3518, a bill to establish bipartisan board with fifteen members, to submit to the President lists of nominees to regulatory agencies, including the Securities and Exchange Commission. It would prohibit persons from being appointed who, in the preceding three years have had any substantial connection with the industry regulated. The bill would also prohibit reappointments and would bar a former agency member from representing any person before the agency or accepting any employment in the regulated industry for two years.

3. Recommendation that the Commission affirm in part the FOIA Officer's denial of Mr. Norman F. Dacey's request for access to certain interagency memoranda (5 U.S.C. 552(b)(5)), but grant Mr. Dacey access to severable portions of the memoranda which contain factual information.

4. Proposed amendment to Regulation S–X which would modify an existing rule and add a new rule to require commercial and industrial companies to disclose investment concentrations in marketable securities and other security investments. This proposal is a revision of an earlier proposal which would have applied to all registrants rather than to commercial and industrial companies only.

5. Proposed amendments to Rule 10b–4 under the Securities Exchange Act of 1934 to prohibit certain practices in connection with partial tender and exchange offers which have the effect of discriminating against shareholders by distorting the calculation of the pro rata acceptance formula.

6. Proposed rule change of the American Stock Exchange, Inc. to establish alternate criteria for original listing of stocks.

7. Amendment of § 240.12a–6 (17 CFR 240.12a–6) in order to extend the exemption from registration, pursuant to section 12(a) of the Securities Exchange Act of 1934, to certain underlying securities which are traded solely in the over-the-counter market.

8. Amendments to the Uniform Net Capital Rule (Rule 15c3–1) pertaining to the treatment of transactions by market makers in listed options.

9. Amendments to Uniform Net Capital Rule (Rule 15c3–1) regarding the financial responsibility and reporting program pertaining to transactions in municipal securities.

10. Amendments to Form U–4, the Uniform Application for Securities Industry Representatives and/or Agents. These amendments to the form would require associated persons to disclose the existence of matters which may constitute a basis for disqualification from association with a broker-dealer. The proposed amendments also would require associated persons to provide information which a broker or dealer is required to collect and maintain pursuant to Rule 17a–3(a)(12).

11. Petition for rulemaking submitted to the Commission pursuant to 17 CFR 201.4(a) (1976) requesting an amendment to Rule 15c3–2 under the Securities Exchange Act of 1934.

12. Recommendation of the addition of subsection (f)(4) to Rule 15c2–11 which will extend certain exemptive provisions of that rule to market makers submitting quotations to an inter-dealer quotation system published weekly.

Requests for information concerning the meetings should be directed to the following persons:

Meetings in week of April 4—Sam Knight, (202) 755–1482.

Meetings in week of April 11—Julian T. Pierce, (202) 755–1271.

Meetings in week of April 18—Frank A. Wilson, (202) 755–4868.

Meetings in week of April 25—Edward B. Horahan, (202) 376–8072.

Dated: March 29, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S–68–77 Filed 3–30–77;9:26 am]

federal register

FRIDAY, APRIL 1, 1977

PART II

PRINCIPAL EXECUTIVE BRANCH OFFICIALS of the ADMINISTRATION of JIMMY CARTER

appointed
January 20–March 30, 1977

Supplement 2 to 1976/77 United States Government Manual

NOTE: This special supplement to the United States Government Manual is limited to appointments and nominations made after January 20, 1977. Names contained herein replace corresponding names appearing in the 1976/77 edition of the Manual. Supplement 3 will be published on May 2, 1977.

Office of the Federal Register
National Archives and Records Service
General Services Administration

PRINCIPAL EXECUTIVE BRANCH OFFICIALS of the ADMINISTRATION OF JIMMY CARTER appointed January 20–March 30, 1977

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Jimmy Carter

VICE PRESIDENT

Walter F. Mondale

MEMBERS OF THE CABINET

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Secretary of Commerce	JUANITA M. KREPS
Secretary of Defense	HAROLD BROWN
Secretary of Health, Education, and Welfare	JOSEPH A. CALIFANO, JR.
Secretary of Housing and Urban Development	PATRICIA ROBERTS HARRIS
Secretary of the Interior	CECIL D. ANDRUS
Attorney General	GRIFFIN B. BELL
Secretary of Labor	RAY MARSHALL
Secretary of State	CYRUS VANCE
Secretary of Transportation	BROCKMAN ADAMS
Secretary of the Treasury	W. MICHAEL BLUMENTHAL
Assistant to the President for National Security Affairs	ZBIGNIEW BRZEZINSKI
Director, Office of Management and Budget	THOMAS BERTRAM LANCE
Assistant to the President	JAMES R. SCHLESINGER
Chairman, Council of Economic Advisers	CHARLES L. SCHULTZE
United States Representative to the United Nations and Representative in the Security Council	ANDREW J. YOUNG

The Cabinet, a creation of custom and tradition dating back to George Washington's administration, functions at the pleasure of the President. Its purpose is to advise the President upon any subject on which he requests information (pursuant to Article II, section 2, of the Constitution).

The Cabinet is composed of the eleven executive departments listed above and certain other officials of the executive branch to whom the President has accorded Cabinet rank. The Vice President participates in all Cabinet meetings. Also, from time to time, others are invited to participate in a discussion of particular subjects.

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Assistant to the President for Domestic Affairs and Policy	STUART E. EIZENSTAT
Assistant to the President	HAMILTON JORDAN
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Member, Board of Directors	CAROL TUCKER FOREMAN
Member, Board of Directors	DALE E. HATHAWAY (Nominated 3-24-77)

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Member, Board of Directors	ALEX P. MERCURE (Nominated 3-30-77)
Member, Board of Directors	ROBERT H. MEYER (Nominated 3-25-77)
Member, Board of Directors	JOHN C. WHITE (Nominated 3-30-77)

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Assistant Attorney General, Civil Rights Division	DREW S. DAYS III
Assistant Attorney General, Criminal Division	BENJAMIN R. CIVILETTI
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Under Secretary for Economic Affairs	RICHARD N. COOPER (Nominated 3-29-77)
Deputy Under Secretary	RICHARD M. MOOSE
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Director, Bureau of Intelligence and Research	HAROLD H. SAUNDERS
Assistant Secretary for Oceans and International Environmental and Scientific Affairs	PATSY T. MINK
Assistant Secretary	DOUGLAS J. BENNET, JR.
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Assistant Secretary	JOSEPH D. DUFFEY
Assistant Secretary	RICHARD HOLBROOKE
Assistant Secretary	CHARLES WILLIAM MAYNES, JR. (Nominated 3-25-77)
Assistant Secretary	TERENCE A. TODMAN
Administrator, Bureau of Security and Consular Affairs	BARBARA M. WATSON (Nominated 3-25-77)

Agency for International Development

Administrator	JOHN J. GILLIGAN

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Permanent Representative of the United States of America to the Organization of American States	GALE W. MCGEE

United States Mission to the United Nations

United States Representative to the United Nations and Representative in the Security Council	ANDREW J. YOUNG
Deputy United States Representative to the United Nations	JAMES F. LEONARD, JR. (Nominated 3-25-77)
Deputy United States Representative in the Security Council	DONALD F. MCHENRY (Nominated 3-29-77)

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Administrator	JOAN B. CLAYBROOK (Nominated 3-18-77)

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Commissioner	JERÔME KURTZ (Nominated 3-21-77)

ACTION

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Deputy Administrator	BARBARA BLUM

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Administrator of General Services ..... ROBERT T. GRIFFIN, Acting

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Administrator of Veterans Affairs ..... JOSEPH MAXWELL CLELAND

[FR Doc. 77-9680 Filed 3-31-77;8:45 am]

federal register

FRIDAY, APRIL 1, 1977

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

OVER-THE-COUNTER DRUGS

Establishment of Monograph for Topical Antibiotic Products

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 342]

[Docket No. 76N-0482]

OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC Topical Antibiotic Products

AGENCY: Food and Drug Administration (FDA).

ACTION: Proposed Rulemaking.

SUMMARY: FDA proposes to establish conditions under which over-the-counter (OTC) topical antibiotic drugs are generally recognized as safe and effective and not misbranded, based on the recommendations of the FDA's Advisory Review Panel on OTC Antimicrobial (II) Drug Products.

DATES: Comments by June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

William D. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on October 29, 1976, a report of the Antimicrobial Panel on topical antibiotic drugs. In accordance with § 330.10 (a) (6) (21 CFR 330.10(a) (6)), the Comcissioner is issuing (1) a proposed regulation containing the monograph recommended by the Panel establishing conditions under which OTC topical antibiotic drugs are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above; and (4) the conclusions of the Panel and recommendations to the Commissioner. The summary minutes of the Panel meetings are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

The purpose of issuing the unaltered conclusions and recommendations of the Panel is to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The Commissioner has not yet fully evaluated the Panel's report, but has concluded that it should first be issued as a formal proposal to obtain full public comment before any decision is made on the Panel's recommendations. The report represents the best scientific judgment of the members of the Panel. The report has been prepared independently of FDA and does not necessarily reflect the agency position on any particular matter addressed therein. After careful review of all comments submitted in response to this proposal, the Commissioner will issue a tentative final regulation in the FEDERAL REGISTER to establish a monograph for OTC topical antibiotic drug products.

In accordance with § 330.10(a) (2) (21 CFR 330.10(a) (2)), all data and information concerning OTC topical antibiotic drug products submitted for consideration by the Panel have been handled as confidential by the Panel and FDA. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration, on or before May 2, 1977, except to the extent that the person submitting specific data demonstrates that they still fall within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to FDA, Bureau of Drugs, Division of OTC Drug Products Evaluation (HFD-510), 5600 Fishers Lane, Rockville, MD 20857.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

1. That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless of whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded, or as Category II—not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for not longer than 2 years (for the specific conditions discussed in this document) after the date of publication of the final monograph in the FEDERAL REGISTER, provided studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel are conducted. The period of time within which studies must be completed will be carefuly reviewed by the Commissioner after receipt of comments on this document and will probably be shortened.

The Commissioner has reviewed the conclusions and recommendations of the Panel regarding skin wound protectants. He notes that the Panel's definition and criteria are not identical to those previously proposed by the Antimicrobial I Panel as published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140). The Commissioner advises that he will respond, in a tentative final monograph (21 CFR Part 333) to be published in a later issue of the FEDERAL REGISTER, to the comments regarding the previous proposal made by the Antimcriobial I Panel, and clarify the definition, criteria, and testing procedures pertaining to skin wound protectants. He invites full public comment on this proposal, and on the tentative final monograph after it is published in the FEDERAL REGISTER.

The Commissioner has also reviewed the conclusions and recommendations of the Panel pertaining to finished dosage forms and the Panel's proposal in the monograph to limit dosage forms to the use of ointment preparations only. At this time, the Commissioner seeks comment on this proposal and on the agency's current limitation of cream preparations to prescription use only.

The Commissioner has reviewed the potential environmental impact of the recommendations and proposed monograph for OTC topical antibiotic products of the Panel on Review of Antimicrobial Agents and has concluded that the Panel's recommendations and proposed monograph will not significantly affect the quality of the human environment and that an environmental impact statement is not required.

The conclusions and recommendations in the report of the Antimicrobial Panel for topical antibiotic drugs follow:

In the FEDERAL REGISTER of January 5, 1972 (37 FR 85), the Commissioner announced a proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels. On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review under § 330.10, published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), which were made effective immediately. Pursuant to these regulations, the Commissioner issued a request for data and information on antimicrobial active ingredients for the treatment or prophylaxis of specific disorders such as seborrhea, dandruff, acne, athletes foot, vaginitis, and otitis externa (swimmers ear), in the FEDERAL REGISTER of December 16, 1972 (37 FR 26842). A subsequent request for data and information was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) for topical antibiotic drugs used in OTC products for treatment and prevention of infections in minor skin wounds.

The Commissioner appointed the following panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of the antimicrobial agents, including antibiotic ingredients, pursuant to § 330.10(a) (1):

Wallace Guess, Ph.D., Chairman
Frank B. Engley, Jr., Ph.D.
Paul D. Stolley, M.D., M.P.H.
William F. Schorr, M.D.
W. Kenneth Blaylock, M.D.
E. Dorinda Loeffel, M.D.
Margaret Hitchcock, Ph.D., who resigned from the Panel in September 1974 and was replaced by David R. Brown, Sc.D.; Dr. Brown resigned in March 1976 and was replaced by Eula Bingham, Ph.D.

The Panel was first convened on July 26 and 27, 1974, in an organizational meeting. Working meetings have been held :(1) In 1974 on September 13, 14, and 15; October 18, 19, 20; (2) in 1975 on January 10, 11, and 12; February 21, 22, and 23; March 21, 22, and 23; April 18, 19, and 20; May 16, 17, and 18; June 27, 28, and 29; July 24, 25, and 26; September 5, 6, and 7; October 3, 4, 5, and 31; November 1 and 2; (3) in 1976 on January 9, 10, and 11; February 13, 14, and 15; March 12, 13, and 14; May 14, 15, and 16; June 25, 26, and 27; July 23, 24, and 25; August 20, 21, and 22; October 29. Portions of the meetings from October 1975 were devoted to the review of ingredients for treating athletes foot.

Three nonvoting liaison representatives served on the Panel. Ms. Sarah Newman, nominated by an ad hoc group of consumer organizations, served as the consumer liaison. James Lawrence, M.D., Ph.D., nominated by the Proprietary Association, and Gavin Hildick-Smith, M.D., nominated by the Cosmetic, Toiletry and Fragrance Association, served as the industry liaisons .

The following employees of the Food and Drug Administration served: Mary K. Bruch, Executive Secretary; Michael Kennedy, Panel Administrator until July, 1974, followed by Armond Welch, R.Ph.; Melvin Lessing, R.Ph., M.S., Drug Information Analyst until October, 1974, followed by Joseph Hussion, R.Ph., until July, 1976, and Mary Ann Bukovinsky until August, 1976.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request:

Violet Anderson, Ph.D.
Clealand F. Baker
Stanley Bushby, Ph.D.
Hugh Dillon, M.D.
Maxwell Findland, M.D.
James Leyden, M.D.
David Rovee, Ph.D.
Robert Scheuplein, Ph.D.
Alex Steigman, M.D.
Frances Storrs, M.D.
Marion Sulzberger, M.D.
David Taplin

No person was denied an opportunity to appear before the Panel.

The Panel thoroughly reviewed the various data submissions and available literature; listened to additional testimony from interested parties, including invited consultants; and considered all pertinent data and information submitted in arriving at its conclusions and recommendations

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel's findings with respect to these classes of drugs are set out in three categories:

Category I. Conditions under which topical antibiotic products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which topical antibiotic products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel recommends the following for each category of drugs:

1. That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless of whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify them either as Category I—generally recognized as safe and effective and not misbranded; or as Category II—not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for 2 years after the date of publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised by the Panel.

I. SUBMISSION OF DATA AND INFORMATION

Pursuant to the notice published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) requesting the submission of data and information on OTC topical antibiotic drugs, the following firms made submissions relating to marketed products:

A. SUBMISSION BY FIRMS

Firm:	*Marketed products*
Burroughs-Wellcome Co., Research Triangle Pk., NC 27709.	Neosporin Ointment.
Day-Baldwin, Inc., Hillside, NJ 07256	Bacitracin Ointment, Bacitracin-Neomycin Ointment, "3" Antibiotic Ointment, Neomycin Ointment.
The Dow Chemical Co., Zionsville, IN 46077.	Neo-Polycin.
Lederle Laboratories, Pear River, NY 10965.	Achromycin Ointment, Aureomycin Ointment.
Merrell-National Laboratories, Cincinnati, OH 45215.	Bacimycin Ointment.
Pfizer Pharmaceuticals, New York, NY 10017.	Bacitracin Antibiotic Ointment, Terramycin Ointment with Polymyxin B Sulfate, Terramycin with Polymyxin B Sulfate Topical Powder.
E. R. Squibb & Sonth, Inc., New Brunswick, NJ 08903.	Spectrocin Ointment.
The Upjohn Co., Kalamazoo, MI 49001.	Baciguent Ointment, Myciguent Cream, Myciguent Ointment, Mycitracin Ointment.

B. LABELED INGREDIENTS CONTAINED IN MARKETED PRODUCTS SUBMITTED TO THE PANEL

Bacitracin	Neomycin sulfate
Chlortetracycline hydrochloride	Oxtetracycline hydrochloride
Puzene base	Petrolatum
Glyceride wax	Polyethylene glycol
Gramicidin	Polymyxin B sulfate
Lactose	Tetracycline hydrochloride
Lanolin	Zinc bacitracin
Mineral oil	

C. CLASSIFICATION OF INGREDIENTS.

The Panel has classified the following ingredients submitted to the Panel into groups identified below:

1. *Ingredients identified as active antibiotic ingredients.*

Bacitracin
Chlortetracycline hydrochloride
Gramicidin
Neomycin sulfate
Oxytetracycline hydrochloride
Polymyxin B sulfate
Tetracyline hydrochloride
Zinc bacitracin

2. *Ingredients submitted to the Panel and identified as inactive and/or pharmaceutically necessary ingredients.* Inactive ingredients are useful in the manufacturing of pharmaceutical preparations or in enhancing the quality and/or appearance of the product. The Panel advocates the listing of all inactive ingredients on the product label. In topical medications, many of the labeled inactive ingredients are vehicles into which the active ingredients are incorporated. These vehicles, including ointment and cream bases, play a vital role in release and delivery of active ingredients into the skin. The other inactive substances are added to enhance product appearance and/or quality.

The list below reflects only those inactive ingredients contained in the labeled ingredients submitted to the Panel and is not intended to be an exhaustive list.

Fuzene base
Lactose
Lanolin
Mineral oil
Petrolatum
Polyethylene glycol

3. Antibiotic ingredients combined with nonantibiotic active ingredients. The Panel has neither received nor reviewed any data concerning combinations of antibiotic ingredients with active nonantibiotic ingredients.

The Panel is aware that future topical products may be developed combining the above antibiotics with active ingredients such as corticosteroids, antihistamines, anesthetics, antifungal agents, and other antibiotics not reviewed by the Panel. The Panel concludes that such combinations should be subject to appropriate FDA review procedures prior to OTC marketing.

II. General Statements and Recommendations

A. General Comment

The Panel was charged with the review and evaluation of safety and effectiveness data on antimicrobil and antibiotic agents and combinations in topically applied OTC drug products. This charge included recommendations about appropriate permitted labeling, with guidelines for warnings, precautions, contraindications, and directions for use.

The Panel has defined an "antimicrobial ingredient" as an agent that kills or inhibits the growth and reproduction of microorganisms. A chemical substance produced by a microorganism and having the capacity, in dilute solutions, to kill or inhibit the growth of other microorganisms is called an "antibiotic." Antibiotics kill at different rates. Whether one considers it bacteriostatic (to inhibit the growth or reproduction of bacteria) or bactericidal (to kill bacteria) may depend entirely on the rate of kill because the definition is based on different rates of kill. As with most biological/chemical phenomena, there is a gradation between physical or chemical factors that kill organisms rapidly and those that prevent organisms from growing or multiplying without their rapid destruction. Factors such as concentration of chemical, temperature, presence of organic matter, and the inherent susceptibility of the type of organism or strain of organism can affect the rate of kill. Thus, chemicals that kill organisms rapidly under the conditions of test or study are called "cidal," and those that kill the organisms very slowly or suppress reproduction are referred to as "static". The final descriptive term used may reflect the actual rate of kill or the adequacy of the procedure used to test for killing ability. In the in vivo or clinical situation, static antibiotics may prevent organisms from growing or reproducing so that the body defense mechanism are able to destroy the organisms. Under such conditions, clinical effectiveness may be found with static types of drugs.

The definition of an antibiotic drug stated in section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) is as follows:

> * * * the term "antibiotic drug" means any drug intended for use by man containing any quantity of any chemical substance which is produced by a microorganism and which has the capacity to inhibit or destroy micro-organisms in dilute solution (including the chemically synthesized equivalent of any such substance).

"Pathogenic" bacteria are microorganisms capable of causing infection, particularly when introduced into an area of injured or abnormal skin. There are microorganisms in, on, and all around the human body. Most of these organisms are nonpathogenic residents on the skin and are referred to as "normal flora."

Of interest to the Panel are skin infections that are frequently grouped together under the term "pyoderma," which indicates the presence of pus in the skin. In addition to containing pus, infected skin is usually red, warm, and sore (painful or tender). Pyoderma includes both "primary infections" which develop on previously normal or uninjured skin, and "secondary infections" which develop in preexisting skin lesions such as poison ivy dermatitis, chronic leg ulcers, or burns.

Primary skin infections include such common conditions as impetigo and boils, caused predominantly by the gram-positive bacteria, Staphylococcus aureus and/or Streptococcus pyogenes (Group A beta-hemolytic streptococcus). "Impetigo" is a contagious, superficial pyoderma, common in children, which is caused by either staphylococci and/or streptococci and begins with blisters, which rupture to form thick, yellowish-red scabs (crusts). "Ecthymas", usually caused by streptococci, are another type of superficial pyoderma, with scabs overlying shallow, purulent ulcers that develop most commonly on the legs following insect bites. Primary infections, which develop around hair follicles, are caused by staphylococci. This type of skin lesion is called "folliculitis" when only small superficial pustules are present, but is called a "boil" or "furuncle" if a deep, red, tender swelling with a core of pus develops. A furuncle is a specialized type of skin abscess or a well-circumscribed collection of pus. Another type of staphylococcal abscess, known as acute paronychia, develops around a fingernail or toenail and consists of a red, tender swelling containing pus.

Secondary infections develop in skin that is damaged by factors such as vigorous scratching, excessive moisture, or poor circulation. Pathogenic staphylococci and streptococci presumably penetrate the skin through the scratching of insect bites, poison ivy dermatitis, or other itchy eruptions. People with "atopic eczema," an inherited itchy dermatitis that usually begins in infancy, frequently develop secondary infections similar to impetigo. Older patients with atopic eczema confined to the hands also develop recurrent secondary infections on the hands, known as infected "hand eczema." Ear piercing also predisposes to secondary infection, particularly if complicated by simultaneous allergy to the nickel component of metal earrings touching the ear lobes.

Secondary infections involving microorganisms other than staphylococci or streptococci develop in certain predisposed skin areas. Pseudomonas aeruginosa, a type of gram-negative bacteria, thrives on warm, moist skin surfaces such as the groin, ear canal, underarm areas and toewebs. Although its role in causing secondary infection in these areas is controversial, Pseudomonas is a pathogen capable of causing death in patients with extensive and deep burns. Pseudomonas species as well as other microorganims may be found in chronic leg ulcers due to varicose veins or poor arterial circulation. The role of microorganisms in delay of healing of these deep, rounded ulcerations above the ankle, remains uncertain. The role of microorganisms is also unclear in "bed sores" or "decubitus ulcers" in bedridden patients.

Organisms, other than those discussed above, may also be invovlved in wound infection but are not common in minor wounds.

While some the aforementioned antibiotics are used extensively for serious injuries and burns on the advice of physicians, the Panel will deal only with the limited OTC uses of these ingredients. The Panel will, therefore, limit its review in this document to those topical antibiotic ingredients that are generally promoted to help prevent infection and aid healing when applied to minor skin cuts, abrasions, and burns.

B. Introduction, History and Development of Regulation of Antibiotics by FDA

The antibiotic era of chemotherapy was launched in the 1930's with the work of Dubos on tyrothricin; Waksman on streptomycin; and Fleming, Chain, and Florey on penicillin. Historically, the regulation of antibiotic drugs began when the Federal Food, Drug, and Cosmetic Act was passed in 1938, requiring that drugs be precleared by FDA and that proof of safety be shown prior to marketing. Between 1938 and 1962, approximately 10,000 new drug applications (NDA's) were approved for drug formulations. Among this total were several NDA's for antibiotics.

The therapeutic application of antibiotic substances developed during the World War II era. When these new antibiotic drugs suddenly became generally available for use against both bacterial and fungal infections, physicians focused new attention on specific etiologic agents of infectious diseases and their relative susceptibilities to new antimicrobial agents. The search for antibiotic drugs with broad antimicrobial spectra and minimal toxicity to the patient continued. Instead of abandoning use of a drug when toxicity became

apparent, efforts were made to alter drug toxicity while preserving antimicrobial activity.

Some antibiotics that were found to be too toxic in systemic use were tested, studied, and approved for topical therapy. Because of the limited antimicrobial spectrum of each antibiotic, several were often combined in commercial preparations to cover the spectrum of organisms usually found in infections of the skin.

As antibiotics came into use, it was realized that their potency and purity were quite variable because they were manufactured through a biological fermentation process. Pharmaceutical control of potency and purity of fermentation products developed slowly and was not as exact as that of chemically synthesized drugs. Consequently, beginning in 1945 with penicillin, and later extending to four other antibiotics, section 507 of the act (21 U.S.C. 357) was modified to require certification of each production batch of these antibiotics under a specific monograph published in the Code of Federal Regulations. Included among the four antibiotics were bacitracin, which was certified for topical OTC use in 1948, and chlortetracycline, which was certified for prescription use, also in 1948. Thus, in addition to submitting a new drug application, the manufacturer was required to supply FDA with batches of the antibiotic for certification prior to marketing. The specific monograph for each antibiotic delineated the tests required and limits to be met prior to marketing (21 CFR Part 436).

By 1953, several NDA's were approved for topical antibiotics. After a few years, firms proposing to market these antibiotics were informed by FDA that these drugs were no longer considered "new" drugs and therefore did not require the submission of a new drug application prior to marketing. However, the removal of the NDA requirement did not change the firms' need to obtain certification of each antibiotic batch. Numerous products containing antibiotics then appeared on the market without NDA's.

In 1962, Congress passed the Kefauver-Harris Amendments to the act. In general, these amendments required that substantial evidence of effectiveness as well as safety be submitted to FDA for any drug, and they also expanded the requirement of certification to all antibiotics intended for human use.

A notice of proposed rule making for certification procedures of specific antibiotics was adopted (21 CFR Part 431). To implement this procedure, an Antibiotic Task Force was formed within FDA. Over a period of approximately 6 months, this group reviewed specific drug products and made recommendations as to their safety and effectiveness. In this review, some antibiotics were not recognized as safe or effective and letters were sent to the manufacturers informing them to the task force's stand. A final order stating definitions and certification procedures for these antibiotics not recognized as safe and effective was published in the FEDERAL REGISTER of March 9, 1966 (31 FR 4129). Only after implementation of the recommendations of the task force were the affected antibiotics again certified.

Also as a consequence of the mandate of the 1962 amendments to the act, the Commissioner requested assistance from The National Academy of Sciences and The National Research Council (NAS/NRC) in evaluating the effectiveness of all drug products approved for safety between 1938 and 1962. This review included topical antibiotic products. The resulting Drug Efficacy Study Implementation (DESI) reports of the NAS/NRC provided recommendations to help the Commissioner in making a decision about the effectiveness of individual drug products.

Both OTC and prescription antibiotics and antibiotic combinations were evaluated in the DESI review. The overall conclusions were made for each product rather than for the class or the ingredients. Many topical antibiotic formulations were declared less than effective on the basis of lack of controlled clinical studies to show effectiveness. However, certain combinations of prescription antibiotics were declared effective. Studies to demonstrate the effectiveness of some other combinations are currently being designed and executed to satisfy DESI requirements (particularly the anti-infective/steroid combinations as published in the FEDERAL REGISTER of October 9, 1974 (39 FR 36365)). Time has elapsed since the NAS/NRC review and additional data have become available for topical antibiotics. In order to have a comprehensive OTC review, the Commissioner requested that the Panel review all topical antibiotic ingredients marketed as OTC for both safety and effectiveness.

C. DEFINITIONS OF PRODUCT CATEGORIES

The panel concludes that OTC topical antibiotic products should be used only as part of the first-aid treatment of small superficial wounds such as cuts, abrasions, and burns. The Panel considered the first-aid treatment of small superficial wounds as a process that includes initial adequate cleansing that may or may not be followed by application, of a safe, nonirritating product that does not interfere with normal wound healing and may reduce bacterial numbers and help prevent infections.

The following definitions of topical antibotic categories have been developed by the Panel in an attempt to simplify categorization of ingredients and eliminate labeling confusion.

1. Skin wound protectant. A safe, nonirritating preparation applied to small cleansed wounds that provides a protective physical barrier, conforming to the barrier testing for skin wound protectants as published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140), and may also include a chemical (antibiotic), which neither delays healing nor favors the growth of microorganisms.

2. Skin wound antibiotic. A safe, nonirritating antibiotic-containing preparation that prevents or treats overt skin infection. Claims stating or implying an effect against microorganisms must be supported by controlled human studies that demonstrate prevention or effectiveness in the treatment of infection.

D. ADVERTISING AND CONSUMER USE OF TOPICAL ANTIBIOTICS

The Panel recognizes that topical medications for treatment of minor cuts, burns, and abrasions are useful to the general public. It believes that such medications should be available "over-the-counter," provided they are safe and effective. The Panel is concerned, however, that little information is available about consumer habits of self-medication with topical salves, ointments, creams, and powders, and, in particular, that the potential for misuse in acute and chronic skin conditions poses a problem. The Panel is also concerned about the possible use of inappropriate or harmful substances on skin wounds if safe OTC medications are not available for first-aid use.

Even though no information was submitted concerning the factors influencing the consumer's choice of a topical antibiotic, the Panel considered the following as possible factors:

(1) Physician availability or cost of physician visit;

(2) Media advertising such as in magazines, on the radio, or television;

(3) Suggestions from friends and acquaintances; and

(4) Satisfactory previous personal experience following advice of a physician or pharmacist.

Each of the above factors may lead to self-diagnosis and treatment that may not always be appropriate. One inappropriate use of a topical antibiotic preparation is prolonged application to a chronic, persistent skin lesion. This could produce skin sensitization and/or delay the consumer in obtaining more appropriate treatment. Another possible inappropriate use is the continued application of the antibiotic after a sensitization reaction has occurred. It is also possible that application of the antibiotic product over a broad area of the skin may alter the resident bacterial flora, leading to emergence of antibiotic-resistant strains of bacteria. Unfortunately, no data on consumer use of topical antibiotics are available from which to determine the relative importance of each of these concerns. Such data may not be relevant when topical antibiotics are used on minor cuts and wounds. However, the Panel concludes that product labeling must take into account, and attempt to eliminate, these problems.

The Panel is also concerned that the promotion of antibiotic products to physicians, for purposes other than those recommended for OTC use, may lead to confusion and misuse by the public. It is possible that the physician's use of topical antibiotics to treat certain skin infections may lead consumers to self-diagnosis of other skin conditions leading to treatment with inappropriate topical antibiotics. Labeling of the

topical antibiotics, for both OTC and prescription uses, should be designed to minimize this possibility.

The Panel considers that thorough, gentle cleansing of a minor skin wound to remove foreign material is the proper first step. The OTC antibiotic may then be applied to protect the wound or prevent infection, provided that benefit from its use has been demonstrated.

Suggestions were made to the Panel by Dr. Dillon (Ref. 1) that certain topical antibiotics might prove to be more useful in treating certain skin diseases than no treatment at all. Some skin diseases, such as impetigo and folliculitis, are recognized by the lay public as infections of the skin. The Panel agrees that such skin infections may be treated by the lay public with topical antibiotics if such have been proven to be effective.

REFERENCE

(1) Dillon, H., Transcript of open session of Antimicrobial II Panel, March 22, 1976.

E. EFFECTIVENESS OF TOPICAL ANTIBIOTICS

The OTC drug review regulations (21 CFR 330.10(a)(4)(ii)) contain the following definition of standards for effectiveness:

> Effectiveness means a reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed. * * *

The Panel concludes that a "reasonable expectation * * * [of] clinically significant relief" has not been conclusively demonstrated for the OTC use of topical antibiotic products.

No data from well-controlled studies were presented to the Panel concerning either the therapeutic or prophylactic effects of OTC use of topical antibiotics on minor cuts, abrasions, or burns. The Panel concludes that no such data presently exist on the OTC use of these products.

In an effort to evaluate the clinical effectiveness of topical antibiotics, the Panel has relied on data generated by supervised use of topical antibiotics in hospitals and medical offices and by prescription use of topical antibiotics in outpatient home settings.

Most studies reviewed by the Panel dealt with professional medical treatment of acute skin infections, postoperative wound infections, and chronic skin diseases with secondary infections. While inferences concerning clinical effectiveness of topical antibiotics for OTC use on minor cuts, abrasions, and burns have been made from available studies (Ref. 1), the Panel concludes that such inferences may be unwarranted for the following reasons: The degree of wound contamination differs; the wounds differ in depth and amount of tissue destruction; the microorganisms likely to be introduced differ between hospital or office settings and "natural" settings; and patient characteristics differ with respect to hygiene, age, race, and ability to follow directions for product use.

1. Therapeutic effectiveness. Standards of medical practice regarding use of antibiotics in the treatment of skin infections have changed considerably during the past 30 years. In the 1940's and 1950's, when the topical antibiotics presently under review were developed and evaluated, many physicians were enthusiastic about their use in both the hospital and on an outpatient basis. However, reports from this period were largely of a testimonial nature, with no consistent attempt to document clinical diagonses, culture skin lesions, or demonstrate that formulated products with active ingredients were better in treating skin infections than their vehicles alone.

Because it is virtually impossible to look at a variety of skin lesions and assess exactly which bacteria are present, the Panel is unable to accept studies without cultures as proof of clinical effectiveness. The Panel is aware of the practical argument that cultures are time consuming and expensive, but concludes that such argument is not acceptable in studies purporting to demonstrate clinical effectiveness of topical antibiotic preparations.

The Panel has made a diligent effort to review all submitted material in order to arrive at its judgment concerning clinical effectiveness. It recognizes that honest differences of opinion may exist or the relative merits of different studies. The Panel also recognizes the inherent technical difficulties in attempting to scientifically document clinical effectiveness.

Many different dosage forms (i.e. creams, lotions, ointments, etc.) of these antibiotics are available, either as OTC or prescription, and it appears that there are relative differences in their effectiveness based upon the dosage forms used. It is a continuing concern of the Panel that many of the better designed studies (controlled) utilized an ointment vehicle for the antibiotic, and the results of these clinical studies show a lack of effectiveness in this vehicle. On the other hand, some studies (controlled and uncontrolled) suggested strongly that the antibiotics in solution or cream forms may have been effective in treating some skin conditions.

The Panel recommends OTC marketing of certain topical antibiotic formulations currently labelled as prescription products (primarily, cream formulations). This recommendation is based partly on theoretical considerations and partly on the effectiveness data discussed above. In any event, clinical studies with such dosage forms would still be required to establish effectiveness in the prevention and treatment of skin infections.

Since the early days of topical antibiotics, newer systemic antibiotics have largely replaced topical antibiotics for treating many skin infections. Several studies have shown that systemic antibiotics are superior to topical antibiotics in treatment of impetigo, with more rapid reduction of pathogenic bacteria from skin lesions and more rapid healing time (Refs. 2 through 7).

In addition, treatment of impetigo with systemic antibiotics rather than with topical antibiotics is accepted medical practice for prevention of possible glomerulonephritis (Refs. 2 through 7). Acute glomerulonephritis is a serious kidney disease that may follow streptococcal infections of either the skin or the throat (Refs. 8 and 9). While not all strains of streptococci are nephritogenic (capable of inducing nephritis), epidemics of nephritis may occur in populations exposed to impetigo caused by nephritogenic strains (Refs. 10 through 15). The risk of developing nephritis following impetigo caused by such a strain is significant, especially in children less than 6 years of age (Refs. 16 through 19). Indigent children and children in warm, humid climates have a higher incidence of streptococcal sores and subsequent nephritis than children in colder climates. Although nephritis is predominantly a disease of children, adults may also be affected, especially in epidemic situations or following insect bites that become infected with nephritogenic streptococci (Refs. 20 and 21).

The Panel recognizes that the overall risk of developing nephritis following impetigo is not very great if patients are over 6 years of age and nephritogenic strains of streptococci are not prevalent (Refs. 22 and 23). There is concern that some children may develop nephritis because of lack of early treatment with systemic antibiotics. However, there is no conclusive proof at this time that treatment of streptococcal impetigo with topical or systemic antibiotics will prevent nephritis (Refs. 2, 8, 10, 13, and 24). Systemic treatment is presently preferred in cases of diagnosed impetigo because of more effective elimination of pathogenic streptococci from the skin.

The Panel is particularly concerned that indigent persons, unable to seek the treatment of choice (systemic antibiotics under proper medical supervision), may develop glomerulonephritis. In the Panel's opinion, this disease condition is extremely serious and may even be life threatening. The Panel believes that a significant population of indigent individuals exists in the United States who contact impetigo but seek no medical intervention and, therefore, risk developing glomerulonephritis. Although the use of topical antibiotics is not the treatment of choice for streptococcal impetigo, the potential risk is serious enough to suggest that this claim be seriously considered and evaluated as an added OTC indication for these products.

The Panel received communications from some organizations and individuals that presented their own recommendations on the safety and effectiveness of certain OTC topical antibiotics (Ref. 25). These recommendations were not supported with new or adequate data for objective evaluation. As a consequence of these comments, the Panel also met with a representative of the American Academy of Pediatrics and determined that the American Academy of Pediatrics' recommendations to the Panel were based on members' clinical

impressions rather than on a comprehensive review of the extensive data which was reviewed by the Panel (Ref. 26).

2. *Prophylactic effectiveness.* The Panel is concerned that little data from controlled studies have been submitted documenting clinical effectiveness of topical antibiotics for preventing infection in minor skin wounds such as cuts, abrasions, and burns. Most studies reviewed by the Panel dealt with professional medical treatment of diagnosed acute skin infections, postoperative wound infections, or chronic skin diseases with secondary infections. Prophylactic use of topical antibiotics has been reported in postoperative surgical wounds, on extensive burns, and with intravenous cutdown catheters. These reports suggest that prophylactic use of topically applied antibiotics may be efficacious in the prevention of wound infections following surgery, but do not permit any inferences concerning prophylactic effectiveness following minor cuts, wounds, and abrasions occurring outside the hospital setting. Furthermore, in some cases, formulations different from those currently marketed were tested, and in other cases conflicting results were obtained from these hospital studies. These reports do suggest that a controlled clinical trial of topically applied antibiotics in minor cuts, abrasions, or burns might be worthwhile to answer the question of prophylactic effectiveness.

In the opinion of the Panel, controlled clinical trials of topically applied antibiotics would not be as difficult as is often claimed. A prospective, randomized, double-blinded, controlled trial would have logistic difficulties, but is feasible. Of course, in any clinical trial, the group receiving a placebo should not be permitted to experience a deteriorating disease state, and the protocol should allow for active treatment intervention should this occur. The size of the groups needed in both the experimental and the control groups is dependent upon: (1) The expected difference between the experimental and control group (i.e., the probable effectiveness); (2) the expected incidence of the condition to be prevented—infected wounds cuts, burns, and abrasions; and (3) the chosen significance level and power of the statistical tests employed (Ref. 27).

Since it is thought that the incidence of such infections is low, this would enlarge the size of the groups required for entry into the trial. On the other hand, if the effectiveness (expected benefit or difference between treated and untreated groups) is high, this would correspondingly reduce the numbers required. It would be desirable to investigate the effectiveness of a heterogeneous group of infections such as small cuts, burns, and abrasions. This would still permit pooling of effectiveness data for these lesions as well as analysis by type of lesion (subgroup analysis).

The Panel believes that a single study of adequate size and design may provide sufficient evidence to make a judgment as to effectiveness.

3. Summary. The Panel finds an important deficiency in the data submitted concerning the effectiveness of topically applied antibiotics, i.e., the absence of randomized, prospective, double-blinded, controlled, clinical trials. Such trials would randomly allocate patients with cuts, wounds, burns, and abrasions to an experimental and a control group. The experimental group would receive the medication (for example, an ointment) with the active ingredients, and the control group would receive the vehicle (placebo) without the active ingredients. Neither the investigators nor subjects would know whether they were receiving active drug or placebo (a procedure called double-blinding). Both groups would be followed forward in time prospective design) and the incidence of infection ascertained.

The Panel is not willing to waive the requirement of double-blinded, controlled studies for clinical evaluation of topical antibiotic ingredients, despite the provision of the OTC drug review regulations pertaining to standards of effectiveness (21 CFR 330.10(a)(4)(ii) which states:

* * * Proof of effectiveness shall consist of controlled clinical investigations as defined in § 314.111(a)(5)(ii) of this chapter, unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. * * *

The Panel concludes that a single, well-controlled study of adequate size and design may provide sufficient evidence to make a judgement of effectiveness.

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F. DRUG RELEASE FROM TOPICAL PREPARATIONS

The Panel reviewed data from several sources and heard a presentation from Robert Scheuplein, Ph. D., a recognized expert in the area of drug release from topical preparations. The vehicle currently employed most widely in topical antibiotic formulations for OTC sale is an ointment composed mainly of white petrolatum. White petrolatum is often formulated with other hydrophobic (insoluble in water) materials such as waxes or high molecular weight alcohols. In contrast to an ointment, a cream ve-

hicle is usually composed of a water miscible base such as an oil-in-water emulsion or a totally water-soluble base, such as the polyethylene glycols. The Panel is aware of other topically applied dosage forms for antibiotics, such as powders, but little data were provided on the bioavailability of the antibiotics from such dosage forms. It is essential to consider the influence of the vehicle on the effectiveness of a topical antibiotic preparation. The vehicle may be the controlling factor in the release of the active ingredient from the preparation. The following discussion attempts to clarify some of the problems facing the Panel in trying to assess drug release and the resulting effectiveness.

Drug release from any dosage form occurs at the interface between the vehicle and the tissue to which it is applied. The drug must leave the vehicle and enter the environment of the tissue before it can exert any biological activity. There are many factors that influence the rate and extent of this drug release. Some of these factors are: concentration of the drug in the vehicle; solubility of the drug in the vehicle; diffusion coefficient of the drug in the vehicle; partition coefficient of the drug between the vehicle and the tissue. Influencing each of these factors are other conditions such as the pH of the vehicle, drug or tissue; temperature; degree of hydration of skin, etc. Obviously, drug release from a dosage form is not merely a simple matter of smearing on a product and obtaining instantaneous results. Many physico-chemical interactions eventually determine success or failure of a product, apart from any activity of the antibiotic itself.

The Panel received limited data on release of certain antibiotics from the ointment dosage form. The ointment is the most widely used drug dosage form for OTC use at the present time, while the cream dosage form is almost exclusively limited to prescription sale. Some data presented to the Panel suggested that an ointment was better than a cream. Other data suggested that a cream was better than an ointment. The Panel concludes that inadequate research has been undertaken to design the most effective vehicle for a given topical antibiotic product. The Panel also is concerned that the existing OTC ointment dosage form may indeed be much less than ideal for the reasons discussed below.

It is recognized by the Panel that an occlusive vehicle (one that acts as a physical barrier), such as an ointment, has certain advantages in treating small wounds. Dr. Rovee pointed out that an occlusive dressing may aid wound healing (Reference 1). Dr. Scheuplein suggested that it was possible to formulate an ointment that would be as effective as a cream or vice-versa (Reference 2). Some of the effectiveness studies presented by the industrial representatives suggested that in some cases the ointment dosage form resulted in failures, while other studies reported success of treatment (Reference 3). Once again, conflicting data on drug release were presented to the Panel.

The Panel has determined that the topical antibiotics being reviewed are all water soluble with the exception of gramicidin, which is practically insoluble in water (Reference 4). These antibiotics exist in ointment dosage form as insoluble, suspended particles. From a physicochemical viewpoint, an insoluble particle in a fairly viscous, greasy vehicle would not be an ideal dosage form. If little or no diffusion through the vehicle takes place, then the only portion of antibiotic available for biologic activity is that which exists at the tissue interface at the time of application or that which then comes in contact from the receding boundary of the ointment (Reference 5). Perhaps it is for this reason that demonstration of effectiveness of antibiotic ointment has been difficult in some well-controlled studies.

In contrast, a cream dosage form has antibiotic in solution in the aqueous phase so that the antibiotic is more readily available for diffusion to the interface between the cream and tissue. In other words, a higher concentration of antibiotic can be made available to the tissue site over a short period of time from a cream formulation than from an ointment formulation.

The Panel is aware that in the early days of antibiotic formulation in topical products, technology to evaluate these dosage forms was not so sophisticated as it is at present. The Panel would urge a thorough study to determine all of the characteristics described above in light of the new technology to design a more favorable dosage form. If the cream or any other dosage form currently marketed for prescriptions use is determined to be both safe and effective, consideration should be given to marketing these dosage forms OTC.

The release of drugs from various vehicles has been the subject of many reviews and research papers. Consistently, these papers indicate that a formulation or vehicle for a given chemical must be specifically designed for that chemical to obtain maximum drug release. In formulating a cream or ointment, the physical properties of the drug and vehicle must be balanced in such a way as to provide optimum release. Specific additives may enhance or retard release of a chemical from the vehicle. Gandhji and Mithal (Reference 6) have shown that by simply incorporating a surfactant, release of chloramphenicol and tetracycline from an ointment formulation was enhanced. It appears to be the Panel that proper formulation of vehicles for the various antibiotics, based on such current information, could very likely result in significant improvement in antibiotic effectiveness.

A recent review of the broad problem of release of drugs from topically applied dosage forms has been published by Grasso and Lansdown (Reference 7). The Panel also studied the reviews by Poulsen (Reference 8), Katz and Poulsen (Reference 9), and Idson (Reference 5). These comprehensive reports focus on percutaneous absorption, but the basic problem of drug release from topical preparations is also discussed. The discussion above is not intended to be an exhaustive summary of these reviews, but it does form the basis for the recommendation presented in this report.

The Panel is certain that manufacturers of topical antibiotic ointments are aware of the voluminous literature concerning percutaneous absorption of drugs, influence of a vehicle on the release of drugs, and physiological factors influencing release of drugs (high or low sebum content, or denuded verus intact skin). The Panel believes that the previous arbitrary distinction between OTC and prescription topical antibiotic products is not rational. It strongly urges testing of other topical dosage forms (gels, solutions, creams, lotions) for possible OTC use. However, such testing should take into consideration the pharmacokinetic factors discussed above.

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G. WOUND HEALING

Wound healing may be altered by excessive bacterial growth in the damaged tissues (Ref. 1). The manufacturers state that topical antibiotics speed wound healing, presumably by reducing bacterial growth. It is recognized that these terms (such as "speeds healing", or other similar terms) are meant to imply that by reducing excessive bacterial growth in a wound, normal healing is enhanced. It also implies that large numbers of bacteria, or their products in a wound, slow or impede wound healing. There are no good data to indicate that the normal healing time of a clean wound can be altered by an antibiotic cream or ointment. Scientific evidence currently available to the Panel does not sufficiently answer the question of the role of bacteria in minor skin wounds in the normal individual. There is little evidence to support the claims that reduction of the number of bacteria in wounds will shorten dermal and epithelial healing times.

Wound repair rates may vary depending on the number and types of bacteria or their metabolites present in the wound. Some wounds do not heal normally in the presence of some bacteria or bacterial metabolites as demonstrated by Rovee (Ref. 1).

Several studies in the past 10 years have demonstrated the influence of the local wound environment on wound healing in the skin. One of the important variables in epidermal wound healing is the amount of moisture or degree of hydration of the skin. Several investigators have shown that maintaining tissue hydration by the application of plastic film, or other slightly less occlusive dressings, increases epithelial migration and shortens the time necessary for the epidermis to cover the wound when compared with open wounds (Refs. 2 through 5). It appears that ointments that are semiocclusive might also enhance epidermal repair by creating a moist environment in the wound. Whether or not this actually occurs could not be determined from that data submitted.

The panel concludes that the role of an antibiotic ointment in wound repair is still largely unknown.

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H. ANIMAL AND HUMAN MODELS

The study of experimental infections in humans is often impossible, impractical, or dangerous. Therefore, various animal and human models have been developed to study the infection process. Information that can be obtained from models is often useful, particularly in regard to: (1) obtaining information that cannot be derived ethically or practically from clinical trials; (2) predicting appropriate dosage levels for desired responses in clinical trials; (3) determining toxicologic hazards; and (4) performing controlled studies on adequate numbers of subjects to enable significant statistical analysis.

Controlled clinical trials to determine the therapeutic and prophylactic effectiveness of topical antibiotic agents may be difficult for the following reasons: ethical considerations; large size of the study required; cost; logistics; time commitment; and difficulty in patient compliance. Although models have been used historically to determine clinical effectiveness, a careful analysis of limitations associated with models must be made. There are great difficulties involved in drawing inferences from animal models and applying conclusions to human populations. It is necessary to validate model systems and demonstrate that they have predictive ability for human clinical conditions.

In dealing with the use of models of the infection of minor wounds, burns, and abrasions, the differences and similarities of a specific model to the normal infection process can be examined.

1. *Normal human infection process.* a. Streptococci and/or staphylococci occur on the skin at the time of injury, or are often carried there or transmitted from an infected source, such as a biting insect.

b. A lesion occurs on the skin.

c. The lesion provides the environmental situation required to allow the organisms that are present, or have been applied as the lesion is made, to reproduce and invade.

d. An infected lesion results.

e. The organisms causing the infection are present at the time of injury.

2. *Human model as described by Kligman and Marples.* a. The lesion is artificially made on the skin. Time is allowed for healing of the lesion (24 hours).

b. Pathogenic staphylococcal organisms are added to the lesion and allowed to remain for 6 hours before application of antibiotic agents.

c. In some testing situations, the normally occurring flora are allowed to expand for varying times, producing the successive replacement populations before the antibiotic is applied. In some instances, the antibiotic is added after 24-hour healing of the lesion to prevent expansion of the flora (Refs. 1 and 2).

3. *Differences and similarities between natural and induced skin infection.* a. In the natural human infection, there is often a mixed population of pathogens; in the model, only staphylococci or coliforms have been used since the streptococci would be a risk to the subjects.

b. In the model, since there will be residual antibiotic, attempts must be made to neutralize the residual agent.

c. In the model system, the organisms against which the antibiotic is acting are often the normal skin flora consisting of coagulase-negative staphylococci, diphtheroids, and some gram-negatives. In the natural infection, in addition to the normal skin flora, other organisms (from exogenous sources) will likely be the infecting agents. These agents are the specific target of the applied antibiotic.

d. In the model system, organisms and active formulations may be inadvertently transmitted from one lesion to another, since artificially produced lesions may be made at close intervals on the forearm.

4. *Animal models for skin infection.* Several animal models have been used to demonstrate the therapeutic and prophylactic effectiveness of topical antibiotics. In an extensive review of such animal models, Miller (Ref. 3) describes some of these models, including: the production of abscesses in inoculated suture stitches in rats and guinea pigs; a rabbit ear-wound model; infection in inoculated and depilated rat skin; surgical wounds in the rat; a burn model inoculated with *Pseudomonas* in the rat. In addition to rats, guinea pigs, and rabbits, other test animals have included hamsters, mice, dogs, and goats (Refs. 4 through 18). Mice and rats are apparently not particularly good test animals, due to their general resistance to superficial infections.

Work with these animals has not been standardized, and has included a variety of topical antibiotics, dosage forms, experimental techniques, and experimental models. Antibiotic creams, powders, ointments, sprays and solutions have each been tested in only a few of the models. The Panel concludes that no generalizations about effectiveness of topical antibiotics can be made from currently available animal model data.

The Panel also concluded that, of all the animal models reviewed, the impetigo model in hamsters and the wound infection models in guinea pigs appear to be the most promising for testing some aspects of effectiveness of topical antibiotics for OTC use. In the hamster model, impetigo is induced by injecting cultures of *Staphylococcus aureus* or hemolytic streptococci into the dermal layer of the skin (Refs. 4 through 6). This is the only animal model known to the Panel that produces a superficial bacterial infection similar to naturally acquired impetigo in humans. In guinea pigs, wound infections have been produced by inoculating various types of bacteria into surgical incisions in the dorsal interscapular regions (Refs. 7 through 11). The guinea pig wound infection model appears to mimic superficial wound infections in humans (Ref. 9).

The Panel encourages further development of other animal models that may be useful in evaluating topical antibiotics.

5. *Human models for skin infection.* Some studies with human models involve normal skin. Many investigators have observed that normal human skin is very difficult to infect (Ref. 19). Since 1959, numerous investigators have searched for a method that will consistently produce superficial skin infection in humans (Ref. 20). Application of 5 million pathogenic microorganisms to normal intact skin or intact skin previously exposed to ultraviolent light, high humidity, cutting oils, or crude coal tar have failed to induce infection, even when the skin was tightly occluded with polyethylene wrap which favors proliferation of bacteria (Ref. 20). Intradermal injection of pathogenic organisms will also usually fail to induce infection (Ref. 20).

Disruption of the uppermost layers of the skin (stratum corneum and epidermis) through physical or chemical trauma seems to be a necessary prerequisite for producing skin infection in human skin. Many methods of producing trauma have been tried, including sandpapering, scraping with a scalpel, abrasive scrubbing with a pot cleaner, hair plucking, puncturing with a blood lancet, sequential stripping with cellophane tape, and production of blisters with cantharidin or ammonium hydroxide (Refs. 19 through 22). While a physical break in the skin is necessary to establish skin infection, it is obviously not the only factor necessary since many of the above

techniques have failed to consistently produce infection. Search is still underway to create a model in which a small number of pathogenic organisms will multiply and consistently produce clinical infection (Ref. 21).

In 1970 it was reported that some regions of human skin, particularly the legs, are easier to infect than other regions such as the arms or back. These differences are possibly due to circulatory changes (Ref. 19). The technique used involved stabbing the skin with a blood lancet that contained a drop of pathogenic inoculum of staphylococci or streptococci followed by occlusion of the skin with plastic tape. Superficial infection could be induced 38 percent of the time on the legs but only 15 percent of the time on the back and 13 percent of the time on the arms. Attainment of a 38 percent infection rate on the legs was considered to be highly successful in comparison to that obtained in earlier studies.

In 1972 a human model for superficial infection with *Staphylococcus aureus* was reported by Marples and Kligman using the technique of stripping superficial layers of the skin with cellophane prior to inoculation of organisms (Ref. 21). Repeated stripping removed the stratum corneum completely, revealing a moist glistening surface. A rest period of 24 hours was then allowed, to enable the skin to reestablish some barrier and to prevent bacteria from entering the blood stream. Following this period, staphylococci were applied and the region occluded with plastic film for 24 hours. A bright red, tender, moist area with serosanguineous (blood-tinged) exudate resulted. Simulation of a wound in this way was thought to produce several conditions favoring rapid proliferation of microorganisms: moisture, serum for nutrient, protection from white blood cells by the underlying intact epidermis, and removal of competing microorganisms present in the superficial stratum corneum of the normal skin (Ref. 21). When this model is used, the flora of the skin changes after the occlusive wrap is applied to a lesion. The model could well be used to compare antibiotic agents. However, effectiveness must necessarily be demonstrated in clinical trials because this model system uses normal skin bacteria to demonstrate the activity of the antibiotic. Something more is necessary to make pathogens grow on normal skin than is required to make normal skin bacteria grow (Ref. 23).

The type and number of organisms developing successively after the hydrating occlusive wrap is applied generally proceeds as follows: The coagulase-negative staphylococci grow in the first 48 hours expanding from 10^2 to 10^7 per square cm; by 1 week, the flora has become predominately diphtheroids. Some gram-negatives occur at the end of 1 week but do not usually predominate.

6. *Uses of the human model.* The human model has been used in several ways to study antimicrobial agents such as:

a. *Expanded flora test.* The test can evaluate broad spectrum antibiotic activity against large numbers of both gram-positive and gram-negative organisms induced by pretreatment occlusion. The expansion of flora that normally occurs when an occlusive wrap is applied to the skin is inhibited. This test differs from the occlusion test only in that plastic wrap is applied for 48 hours prior to application of antibiotic solutions. To be considered effective, a test material must destroy 99 percent of microorganisms. Bacterial counts will be consistently low only if the antibiotic is active against both gram-positive and gram-negative organisms. Only bacitracin and chloramphenicol were found to be effective at the 0.01 percent concentration level, while neomycin was effective at 0.1 percent and chlortetracycline was effective at 1.0 percent concentrations (Ref. 22).

b. *Occlusion test.* The test primarily estimates the bacteriostatic activity of an antibiotic against gram-positive microorganisms found on normal skin, showing how well the agent prevents a small number of bacteria from rapidly proliferating. Lesions are produced either by stripping with cellophane tape or by application of ammonium hydroxide, followed by inoculation with pathogenic organisms (usually staphylococci) and then covered with occlusive wrap. Lesions may be treated with a test compound after inoculation, and then inhibition of growth is observed or rapidity of healing is judged. In this test, solutions of antibiotics in water or alcohol were applied to 5-cm skin squares which were then occluded for 48 hours. Bacitracin, neomycin, and chloramphenicol were found to be markedly inhibiting at the 0.01 percent concentration (Ref. 22).

c. *Persistence test.* The test determines the reservoir effect of the antibiotic, or its ability to bind to the stratum corneum to give a prolonged effect (Ref. 22). In this test, 1 percent solutions of antibiotics were applied 3 times daily for 3 days to a 5-cm square on the forearm. After 3 days, these areas were occluded for 24 hours and then sampled for bacteria. Occlusion allows bacterial growth in the presence of the specific antibiotic being tested. The persistence of antimicrobial activity after application on the skin extends the time over which an antibiotic can exert an effect on a bacterial cell. This test is one means of measuring this characteristic in a human model.

d. *Reduction of expanded flora produced by occlusive wrapping of the site.* The inhibition of the expanded flora can be observed by application of antibiotics after sufficient time period of occlusion with the wrap. Prevention of expansion of the flora can also be used to test antibiotic activity. Antibiotic is applied to the wound or test site, and after continued occlusion, the inhibition of expansion of the flora is observed (Ref. 21). A cream containing neomycin and gramicidin was found to have eliminated staphylococci from most lesions when cultures of lesions were done 18 hours after the antibiotics was applied. Similar studies using this model have been performed with polymyxin, bacitracin, and a mixture of polymyxin and bacitracin showing that the combination polymyxin-bacitracin ointment was much more effective than either ingredient alone in preventing infections with mixed inoculum containing *Staphylococcus aureaus* and *Escherichia coli* (Ref. 24). A similar model, in which the stratum corneum was removed by producing blisters with ammonium hydroxide rather than by stripping, was described to the Panel (Ref. 24).

The method has been applied to the preliminary testing of topical antibiotics for prophylaxis, using the intact human skin of the forearm (Ref. 22). The forearm was wrapped with occlusive plastic film for 48 hours either before, during, or following application of topical antibiotic to determine the ability of the antibiotic to supress bacterial proliferation stimulated by the moist, warm environment of occlusion. Various concentrations of antibiotics were used, including 0.01, 0.1, and 1.0 percent concentrations of bacitracin, neomycin, chloramphenicol, and chlortetracycline. Immediately after removal of the plastic film, bacterial sampling of test areas was performed using the cup-scrubbing method with a detergent scrub to facilitate sampling.

To be useful and to draw valid conclusions, the similarities and dissimilarities of this or any model to the human infection must be examined.

7. *Summary.* The Panel believes that the results of studies with both animal and human models can serve useful and important purposes. However, they have also concluded that careful attention should be paid to the variables that may dramatically influence the results and therefore their applicability to clinical conclusions.

a. *Animal models.* Review of the current literature suggests, and the Panel concurs, that hamsters and guinea pigs are satisfactory experimental animals in which to consistently produce skin infection. The models discussed above appear to provide reliable test systems for evaluating both therapeutic and prophylactic effectiveness of topical antibiotics. Care must be taken, however, in comparing test results obtained in different species.

The Panel recommends that attempts be made to standardize the following variables in animal models:

(1) Location of contaminated wounds.
(2) Depth of incision.
(3) Type and quantity of inoculum.
(4) Method of inoculation.
(5) Time between inoculation and treatment.
(6) Method of culturing.
(7) Technique of treatment.
(8) Method of wound closure.
(9) System of grading infections.

The above are suggestions that should be considered. See sections under individual antibiotics and/or combinations thereof for required testing described elsewhere in this document.

In working with prophylactic surgical wound models, effort should also be made to avoid leaving necrotic tissue, foreign bodies, dead space, or hematomas that might interfere with wound healing.

b. *Human models for treatment and prophylaxis.* Review of the current literature and of unpublished data presented to the Panel leads the Panel to believe that a few satisfactory and safe model systems presently exist for producing experimental superficial infection in human skin. Successful models require disruption of the uppermost layers of the skin through either cellophane tape stripping or ammonium hydroxide blister formation.

Prophylactic effectiveness can also be evaluated using the same model by inserting a topical antibiotic into the test system between the time of bacterial inoculation and the usual appearance of clinical lesions.

A second model for testing prophylactic effectiveness includes the use of plastic wrap occlusion on normal forearm skin to induce bacterial proliferation. Application of various concentrations of antibiotic before, during, or after occlusion helps indicate the bacteriostatic and bactericidal effectiveness of a test product against both gram-positive and gram-negative microorganisms.

The Panel recognizes that no single test system can possibly encompass all therapeutic and prophylatic applications for which OTC topical antibotics are designed. Separate protocols will have to be designed to consider such variables as antibacterial spectrum and duration of antibiotic action. The Panel concludes, however, that existing or comparable model test systems in humans might be utilized in such a way that they will help to screen and validate the effectiveness of those antibiotic agents that might usefully be further tested in clinical studies.

c. *Clinical studies.* The final appraisal of topical antibiotic effectiveness must take place in a clinical setting under circumstances conforming as closely as feasible to actual circumstances in the community, and must adhere to accepted ethical standards. Animal and human models may lessen the need for extensive, time-consuming, expensive clinical trials on agents that are found to be ineffectve in the model system. The Panel expects that, at a minimum, adequate clinical studies would be conducted to confirm and validate the results of model studies (if performed). For example, a small, closed population could probably be found in which the infection rate of small wounds could be determined. With adequate controls and experimental design, it could then be demonstrated whether the application of a topical antibiotic alters the normal infection rate.

A variety of strategies is available to limit the number of subjects in these clinical studies, including sequential designs and use of artificially induced wounds in volunteers (Ref. 25). It is suggested that prophylactic clinical trails in humans not be initiated unless there is sufficient evidence to suggest that they will show a beneficial effect from the tested products.

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I. SAFETY OF TOPICAL ANTIBIOTICS

1. *Rationale for determination of safety factors.* Data necessary to fully assess either benefit or risk were not provided to the Panel. However, with the possible exception of neomycin, the Panel believes topical antibiotics would provide a minimal risk to the user when applied to small wounds. The Panel is aware that these preparations are intended by the manufacturer for use on small cuts, burns, and abrasions. If use in actual practice were restricted to such application, the risk from application of topical antibiotics would be minimal. However, the Panel is concerned about the misuse of OTC topical antibiotics, such as application to diaper rashes, extensive heat rashes, burns, and stasis ulcers. The absorption of significant amounts of antibiotics from certain formulations on large burns is known to occur (Ref. 1). Misuse of these products increases the risk to the patient.

Even if one assumes the risk is small, the assessment of benefit of the submitted topical antibiotic preparations is a difficult task. The Panel recognizes that topical antibiotics are often used for treatment, rather than prevention, of infection by the lay public. Therefore, the Panel divided its assessment of benefit into two categories of use: prophylactic and therapeutic.

In considering the concept of a benefit-to-risk judgment, the Panel discussed safety factors as a desirable means of arriving at an assessment of the risk. In general, the Panel endorses the statement on safety factors for topically applied antimicrobial agents as recommended by the OTC Antimicrobial I Drug Review Panel published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33112). This proposal recommends a 100-fold safety factor in the applied dose.

The Panel considered the problem of testing the safety of topical preparations in animals and extrapolating the results to human use. It is difficult to obtain comparable absorption characteristics or tissue drug levels from topical studies

in animals and man. The use of the blood level of the drug or its metabolite(s) may simplify this evaluation. Toxic responses can be obtained by systemic dosing that produces relatively high blood levels. If necessary, the range of blood levels produced after topical application should be determined experimentally in man and animal. The Panel expects that in most cases the lowest drug or metabolite blood level and the highest blood level found after topical application will differ and thus help establish the safety of the product.

Blood levels of antibiotics in animals can be used in the overall evaluations of "effect levels" (lowest dose that produces a toxic effect) /"no-effect levels" (highest dose that produces no toxic effect). The effect/no-effect dose levels are the result of several interrelated mechanisms: (1) absorption rate from the site of application, (2) metabolism by enzymes, (3) distribution and storage in the tissues and (4) excretion.

The Panel has concluded that it is imperative to determine safety factors from the "effect" and "no-effect" blood levels in appropriate species of animals. This may be done by direct administration of antibiotics into the blood where feasible, or by determination of blood levels after administration by another route. Following such a direct determination, blood levels after topical application should be determined in order to assess absorption factors and rates, metabolism rates, and excretion rates in case there are wide variations between topical absorption and absorption from other routes of administration in animals.

Extrapolation of the animal safety data into realistic terms for determining safe human use is one of the most complex and inexact procedures. One purpose in obtaining animal safety data is to determine the lowest concentration causing toxic effects. Studies should be conducted to determine the highest blood levels achievable in man from maximum exposure to topical application. If the blood level in man is significantly less than the toxic levels in animals, the antibiotic product may be judged safe. The Panel recognizes that the term "significantly less than the toxic blood level" is not definitive, but a meaningful, numerical factor cannot be assigned for an antibiotic or any other chemical until a complete toxicological profile has been established for that chemical. There are many factors that go into a toxicological response to a chemical that may prevent adequate definition of "significant", including metabolic rates, whether damage to a tissue is cumulative, repair rates of any damage, rate of exposure, and others. Therefore, the Panel would only recommend that the blood level of an antibiotic be significantly less than the toxic blood level and, at the time the judgment is made, all available factors be used to assess the significance in the difference in blood level.

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2. *Additional safety factors.* It is recognized that in some cases the blood concentrations resulting from short term topical application of a product may be far less than that which produces overt toxicity. However, blood levels are affected both by concentration and length of exposure. Therefore, all that is needed is a study that will clearly define the order of magnitude of the differences in blood levels and durations of exposure.

In those cases where there appears to be a problem, as for example, neomycin, the following tests would be recommended: appropriate dose response studies in animals, designed to determine the lowest blood level and minimum duration of exposure to an antibiotic that will cause a toxic reaction. These studies should determine both the LD_{50} and slope characteristics of a dose response curve for the most sensitive toxic effect. Parenteral administration of the antibiotic is appropriate for these studies. Both the release of the antibiotic from the topical formulation proposed, and the amount absorbed, should be determined in animals and humans.

From the tests mentioned above, the "effect levels" (lowest dose that produces a toxic effect) and the "no-effect levels" (highest dose that produces no toxic effect) in animals, can be determined as well as the blood level associated with normal human exposure. Comparison of these values allows estimation of any potential risk.

In vitro susceptibility testing. When an antibiotic is prescribed for parenteral or oral administration, a clinical specimen, e.g., urine, blood, or other specimen is taken and cultured to isolate bacteria and perform a series of susceptibility tests to determine what antibiotic is appropriate. As the use of topical antibiotics has developed, attempts to cover most types of organisms that may cause topical or superficial infections have been made. Frequently, this is done by combining more than one antibiotic in a formulation. As a consequence, when a topical infection is diagnosed, the assumption is made that one of the antibiotics is active against the infecting organism. The result of this procedure is that cultures and susceptibility testing are rarely done by the clinician. However, adequate testing procedures are necessary if controlled clinical studies are performed. One essential requisite of a controlled study of topically applied antibiotics is the proper performance of susceptibility testing.

In vitro susceptibility testing of clinical isolates from infected tissues to antibiotics is commonly performed on specimens from systemic infections and more rarely on specimens from superficial or topical infections.

This testing procedure most often determines, in a tube of liquid agar medium or an agar plate, whether the organism from the site of infection (clinical isolate) is susceptible to (can be killed or inhibited by) the concentration of antibiotic that is found in the blood or in the specific tissue being treated, after administration of the dose of the antibiotic drug. Organisms that are not susceptible to this specified concentration are said to be resistant.

As it became obvious that some organisms were resistant or became resistant to antibiotics, mechanisms for determining the degree of resistance were developed. The basic procedure is to use a standardized inoculum against serial dilutions of the antibiotic. This is often time-consuming so it has been simplified by using a standardized inoculum seeded on the petri plate onto which is placed a paper disc containing a specific quantity of antibiotic. A specific zone diameter measured on the plate can be used as a predictor of the minimal inhibitory concentration.

As the procedures for performing susceptibility tests were widely adopted, both the dilution and the disc procedures were increasingly used to predict susceptibility to specific antibiotics. As the number of antibiotics to be tested expanded greatly, not only did the number of discs greatly increase, but in some cases, both high and low content discs were used.

As a result of several collaborative studies, to avoid the confusion of previous methods, a uniform disc procedure was adopted. This currently accepted procedure is referred to as the Official Susceptibility Testing Procedure and is identified in the regulations as the certification procedure for antibiotic sensitivity discs (21 CFR 460.1).

The central concept of this proposal is that only one disc is chosen to represent, and therefore predict, the susceptibility of a specific isolate to a family of antibiotics. The selection of the specific disc and content of antibiotic was carefully done and was based on large amounts of computer-generated data.

The Panel has recognized that cultures are not routinely taken, identified, or tested for susceptibility in superficial infections. If they are performed, the Panel concludes that the official susceptibility testing procedure mentioned above should be utilized.

The Panel also recognizes that other procedures—including automated tube dilution (serial) determination of minimal inhibitory concentrations, the use of laser beams, or use of radioactive substrates—are being developed for susceptibility testing.

3. *Incidence of complaints.* It has been argued that because of the low incidence of consumer complaints, it can be concluded that OTC topical antibiotics are safe and effective. Consumer complaints reaching pharmaceutical manufacturers concerning adverse reactions or lack of effectiveness of a product are often col-

lected and studied. The number of such complaints, compared to the total number of product units sold, is reported as a ratio of adverse reactions per million product units sold. Industry traditionally regards the "incidence" of complaints as a sensitive index of both product safety and consumer acceptance of a product. If complaints about a product become too numerous, the product may be withdrawn from the market.

However, although adverse reactions voluntarily reported to manufacturers have some utility, they suffer from the following deficiencies:

a. The actual number of adverse drug reactions occurring is not known, i.e., the amount not reported is not available.

b. It is not always clear if the reaction is linked to the agent by the user, particularly if the reaction is delayed or unusual.

c. Persons may not be motivated to write letters of complaint, or may not know where to write.

d. No central registry combining reports of all manufacturers has been established.

e. In addition to incomplete ascertainment of the incidence of complaints, there is also lack of knowledge of the size of the population at risk, which often can only be estimated using sales data.

f. Validation of the reports is usually not carried out.

Nevertheless, serious and very frequent adverse drug reactions may be recognized by these systems although accurate quantification by means of incidence rates is impossible.

For topical antibiotics, the overall "incidence" of adverse reaction complaints recieved by industry is extremely low, calculated to be 0.68 per million units sold, with variation between products of 0.11 to 1.75 per million. The overall incidence of complaints concerning lack of effectiveness is 0.12 per million, ranging from 0.07 to 0.28 per million. Most complaints have referred to a "stinging" or "irritation." Poison control statistics for the years 1968–1973 have revealed 1,841 inquiries per year concerning ingestion of topical antibiotic products by children, with no serious injury or need of hospitalization (Ref. 1). Although pharmaceutical manufacturers realize that not all consumer complaints are reported, they still consider topical antibiotics to have a remarkably good record of safety and effectiveness.

However, the Panel suspects that most consumers and physicians do not take either the time or effort to report adverse reactions or treatment failures from OTC drug products to the manufacturers.

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J. LABELING OF OTC TOPICAL ANTIBIOTIC PRODUCTS

The Panel reviewed the general and specific labeling requirements previously adopted by FDA for OTC topical antibiotic preparations (21 CFR 369.20). These requirements provide for labeling information concerning the identity of ingredients, directions for use, and general and specific warnings. The Panel concurs that these requirements are appropriate for OTC topical antibiotic preparations and the labeling is discussed below.

After review of all labels of OTC topical antibiotic preparations submitted, the Panel recommends the following:

1. *Indications.* The indications for use of a topical antibiotic preparation should be simple and clearly stated. If the product is used for specific indications, such as first-aid in small superficial skin wounds including cuts, abrasions, and burns, the label should so state. The directions for use should provide the user with a reasonable expectation of the results anticipated from use of the product. Statements of indications for use should be specific and confined to the conditions the product is recommended for, such as small and superficial skin wounds, cuts, or abrasions. No reference should be made, or implied, regarding the alleviation or relief of symptoms unrelated to the indication (condition) for use of the product, e.g., hand eczema, leg ulcers, diaper rash, and extensive burns.

Effectiveness must be defined without vague or unsupported claims. Phrasing that promises general benefits such as improved healing, or warns against the hazards of superficial skin wounds, is unproven and thus unacceptable. Undocumented claims that topical antibiotics aid or hasten healing are not supported by present scientific evidence and thus are not acceptable.

The Panel recognizes that certain treatment claims for skin wound antibiotics may be proposed for labeling, following completion of studies to establish prophylactic and therapeutic effectiveness. One such conceivable claim would be "for the prevention and treatment of impetigo." The Panel concludes that such a claim would be acceptable, but only after the effectiveness of a topical antibiotic for this claim has been conclusively established in controlled, double-blinded studies, as outlined elsewhere in this document.

2. *Ingredients.* Topical antibiotic products should contain only active ingredient(s), plus such inactive ingredients as are necessary for formulation. While the label should state in metric units the quantity of each active ingredient, this is not always a simple task with topical antibiotics. References are made in this document to activity or potency in terms of units and micrograms (mcg). The activity assigned to each unit or mcg is equivalent to an International Unit if such has been defined by the World Health Organization. The units of potency set forth in the United States Pharmacopeia, except in a few instances, are identical to the International Units. The terms applied to the antibiotics reviewed in this document, as to the activity (potency) assigned or contained in a specific amount of a standard, are defined in the discussion of specific antibiotics. In some cases, the FDA units have been equivalent to an International Unit for the same antibiotic and in others, not. Both bacitracin and polymyxin B are defined in terms of units, while most other antibiotics are defined in terms of micrograms.

The Panel strongly recommends that all inactive ingredients be listed since the consumer may need this information for a variety of reasons. However, the product should not be promoted for therapeutic claims on the basis of its inactive ingredients. The label should indicate which ingredients are the inactive ones.

3. *Directions for use.* The label should read: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily."

4. *Warnings.* The Panel has reviewed the current regulation (21 CFR 369.20) regarding labeling of antibiotics for external use for prevention of infection which states:

Caution—In case of deep or puncture wounds or serious burns consult physician. If redness, irritation, swelling, or pain persists or increases or if infection occurs, discontinue use and consult physician. Do not use in the eyes.

The use of topical antibiotic preparations "in deep puncture wounds" is of special concern to the Panel. Therefore, the Panel endorses this warning and the prohibition of use. The reason for this is that it is extremely difficult to place the antibiotic into the recesses of such a wound. In fact, it would be strictly a topical application and the patient may be lulled into a false sense of security. Additionally, the Panel strongly recommends that deep puncture wounds should be treated by a physician so that adequate protection against tetanus may be achieved.

Labels of topical antibiotic preparations should also specifically state:

a. "Do not use on long-standing skin conditions such as leg ulcers, diaper rash or hand eczema."

b. "If itching, redness, swelling, or pain develops or increases, it may be a sign of infection or alergy. Stop use and see a physician." To avoid redundancy, this phrase may be merged with the broader caution set forth above under item a.

c. "Do not use longer than 1 week."

The reason for this last recommendation is that most small, superficial skin wounds including burns, cuts, and abrasions will heal almost completely within 1 week. The Panel is concerned that continued use of a topical antibiotic preparation on an unhealed lesion may delay diagnosis and treatment of a more serious skin disease, e.g., a spreading deep bacterial infection, or a wound contaminated with foreign debris such as glass.

5. *Category II labeling.* The Panel concludes that the use of some labeling claims are unsupported by scientific data and, in some instances, by sound theoretical reasoning. The following phrases are misleading and confusing to the consumer and unacceptable for labeling of skin wound protectants and antibiotics for skin wound treatment:

a. *"Helps kill bacteria."* Unless determination of the antibacterial properties of the specific antibiotic are made with obective in vitro or in vivo testing, claims of activity must not be made. Qualification of whether the activity is helped or not is misleading.

b. *"Is not an uncommon sensitizer."* The Panel believes the phraseology used in the above claim is extremely confusing. Due to the use of a double negative, the average consumer could possibly interpret this statement to mean a drug that commonly sensitizes or, conversely, one that never sensitizes.

Since the intent of this Panel is to assure clarity in the meaning of these claims and since the phrase mentioned above is confusing and vague, the above claim will be considered misleading.

c. *"Antiseptic."* Within the scientific community, and also as set forth and published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33114), the term "antiseptic" is defined. These are often synthetic chemicals, often used in fairly high concentration, which have antimicrobial activity and in use prevent infection. In contrast, an antibiotic is defined as a chemical derived from a microorganism that has antimicrobial activity in low concentrations and may be used to prevent or treat infection. The Panel is concerned, as it attempts to set standards in this area, that terms and claims not be ambiguous or have dual meanings. This is the case with the term antiseptic, which should refer only to synthetic chemicals and should not be used to refer to antibiotics.

d. *"Aids, speeds, helps, augments, or hastens healing" (or any term or phrase that suggests that there can be decreased healing time from application of an antibiotic-containing product on various cuts, wounds, or abrasions).* These claims imply to the consumer that antibacterial products may play a primary role in the healing process and can shorten healing time. However, they generally act only to remove high numbers of pathogenic microorganisms from the wound that might slow the healing process. This action allows the body's healing processes to follow their normal course. Probably no ingredients reviewed directly improve healing as the claims imply; therefore, the Panel concludes these or similar phrases are not only false but also misleading.

6. *Classification of topical antibiotics.* The Panel reviewed all active ingredients that were the subject of submissions made to the Panel pursuant to the standards for safety, effectiveness, and truthful labeling set out in the OTC drug review regulations (21 CFR 330.10).

In accordance with the regulations, the Panel's findings with respect to these ingredients are set forth in three categories:

Category I. Conditions under which topical antibiotic products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which topical antibiotic products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The following classification of topical antibiotic ingredients as skin wound protectants or skin wound antibiotic preparations (see table below) was developed by the Panel in an attempt to simplify categorization of ingredients and eliminate labeling confusion:

Summary of findings for topical antibiotics—Categorization

Antibiotic ingredient (used alone)	Skin wound protectant	Skin wound antibiotics	Susceptible bacteria
Bacitracin	I	III	Gram-positive.
Gramicidin [1]	III	III	Do.
Neomycin [2]	III	III	Gram-positive and some gram-negative.
Polymyxin [3]	I	III	Gram-negative.
Tetracyclines.	I	III	Gram-positive and some gram-negative.

[1] Toxicological data are insufficient to permit final classification.

[2] Sensitization data are insufficient to permit final classification.

[3] Only to be allowed in combination products containing other antibiotics since, when used alone, may provide selective growth of gram-positive bacteria.

III. SKIN WOUND PROTECTANTS

A. GENERAL DISCUSSION

The Panel has determined that a given antibiotic ingredient may be in Category I for one set of conditions or label claims and in Category III for another set of conditions or label claims.

The antibiotics specified as Category I for use as a skin wound protectant are generally recognized to be safe and effective for this use. A skin wound protectant is a safe, nonirritating preparation applied to small cleansed wounds which provides a protective physical barrier, conforming to the barrier testing for skin wound protectants described in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140), and may also include a chemical (antibiotic), which neither delays healing nor favors the growth of microorganisms. For example, the Panel visualizes that a skin wound should be gently cleansed as the initial treatment by the patient as soon after the wound occurs as possible. Following this, an antibiotic preparation in ointment form may be placed on the wound to prevent contamination with extraneous matter, including bacteria. The action of the preparation is one of a physical barrier. The role of the antibiotic in such a preparation is to aid the vehicle in its protective function. If extraneous matter contacting the protectant antibiotic preparation contains bacteria, the product will protect from further contamination of the wound and help prevent microbial proliferation. Such a preparation should not encourage the growth of organisms.

The Panel believes that claims for prevention of infection or treatment of infection have not been adequately demonstrated. Note that in the use described as skin wound protectant, the Panel attempted to differentiate between protection against bacterial contamination and infection. The Panel agrees that infection cannot occur without bacterial contamination, but the latter may occur without the former.

An antibiotic added to a product labeled as a skin wound protectant may contribute to the effectiveness by preventing the contamination of a wound with organisms introduced from the environment or by preventing the growth of organisms in the formulations. The Panel recognizes that the same antibiotic in a formulation labeled for prophylaxis or treatment of skin wounds would also have these attributes, but in addition, clinical effectiveness for these indications must be demonstrated prior to labeling of these products for Category I.

B. CATEGORIZATION OF DATA

1. *Category I conditions under which topical antibiotic ingredients are generally recognized as safe and effective as skin wound protectants and are not misbranded.*

Category I active ingredients. The active ingredients generally recognized as safe and effective for use as skin wound protectants and not misbranded are:

Bacitracin
Polymyxin B sulfate
Tetracyclines:
- Chlortetracycline hydrochloride
- Oxytetracycline hydrochloride
- Tetracycline hydrochloride

a. *Bacitracin.* The Panel concludes from its review of the toxicity data in the literature and the submissions to the Panel that bacitracin is safe and effective for topical use in small superficial wounds as a skin wound protectant. Potency (activity) of bacitracin consists of three parts: the unit of potency, which is contained in 13.51 mcg of the bacitracin master standard as specified in 21 CFR 430.6(a)(2); the potency of the bulk antibiotic, which is not less than 40 units of bacitracin per mg as specified in 21 CFR 448.10a(a)(1)(i) (a proposal has been published in the FEDERAL REGISTER of July 16, 1976 (41 FR 29413) raising the potency for topical use to 50 units per mgm); and at least one example of the potency in a finished ointment dosage form, which in this case is 500 units of bacitracin per gm of finished dosage form when formulated into a topical dosage form, as specified in 21 CFR 448.510a (a)(1). The reader is referred to the discussion of bacitracin as a skin wound antibiotic under Category III. (See part IV. paragraph B.3.a. below—Bacitracin.)

(1) *Dosage.* Topical ointment dosage, for both adults and children, should be not less than 500 units of bacitracin per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III.

paragraph B.1. below—Category I Labeling.)

b. *Polymyxin B sulfate.* The Panel concludes from its review of the toxicity data in the literature and the submissions to the Panel that polymyxin B sulfate is safe and effective when used in combination with other Category I OTC topical antibiotics for topical use in small superficial wounds as a skin wound protectant. Potency (activity) of polymyxin B consists of three parts: the unit of potency, which is contained in 0.1274 mcg of the polymyxin B master standard as specified in 21 CFR 430.6(a)(4); the potency of the bulk antibiotic, which is not less than 6,000 units of polymyxin B per mg of polymyxin B sulfate on an anhydrous basis, as specified in 21 CFR 448.30a (a)(1); and at least one example of the potency in a finished ointment dosage form in combination with other antibiotics, as specified in 21 CFR 444.542e, which contains polymyxin B sulfate at a variety of potency levels, but generally in the 4,000 to 5,000 unit per gm range (there are no dosage forms certified for polymyxin B sulfate as a single ingredient other than as a urethral irrigant).

It must be recognized that polymyxin B sulfate has a very limited antimicrobial spectrum, which does not include the gram-positive staphylococci or streptococci which commonly infect superficial skin wounds. It should be fully understood that the Panel concludes that polymyxin B sulfate should not be used alone as a single ingredient in a topical preparation for skin wounds, since it may allow selective growth of gram-positive bacteria. This is discussed in the combination section elsewhere in this document. (See part V. paragraph B. below—Classification of Combination Products.) When combined with other antibiotics, polymyxin B sulfate may significantly broaden the spectrum of antimicrobial activity of the product and increase the barrier effect against microorganisms. Despite reports of renal toxicity resulting from injections of polymyxin B sulfate (Ref. 1), the Panel can find no evidence to suggest toxicity from absorption of polymyxin B sulfate through the skin. The reader is referred to the discussion of polymyxin B sulfate as a skin wound antibiotic under Category III. (See part IV. paragraph B.3.d. below—Polymyxin B.)

(1) *Dosage.* Topical ointment dosage, for both adults and children, should be 4,000 to 5,000 units of polymyxin B per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. below—Category I Labeling.)

REFERENCE

(1) Weinstein, L., "Antimicrobial Agents: Miscellaneous Antibacterial Agents; Antifungal and Antiviral Agents," in "The Pharmacological Basis of Therapeutics," 5th Ed., Edited by Goodman, L. S. and A. Gilman, The Macmillan Co., New York, p. 1232, 1975.

c. *Tetracycline preparations (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).* The Panel concludes fom its review of the literature and submissions to the Panel that tetracycline preparations are safe and effective for topical use as a skin wound protectant for small, superficial wounds.

Potency (activity) of chlortetracycline hydrochloride consists of three parts: the unit of potency, which is contained in 1.0 mcg of the chlortetracycline master standard as specified in 21 CFR 430.6 (b)(3); the potency of the bulk antibiotic, which is not less than 900 mcg chlortetracycline per mg of chlortetracycline hydrochloride as specified in 21 CFR 446.10a(a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is not less than 1 mg of chlortetracycline hydrochloride per gm of finished ointment, as specified in 21 CFR 446.510a (a)(1).

Potency (activity) of oxytetracycline hydrochloride consists of three parts: the unit of potency, which is contained in 1.13 mcg of the oxytetracycline master standard as specified in 21 CFR 430.6(b)(24); the potency of the bulk antibiotic, which is not less than 835 mcg of oxytetracycline per mg of oxytetracycline hydrochloride on an anhydrous basis as specified in 21 CFR 446.67a (a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is not less than 30 mg of oxytetracycline per gm of finished ointment, as specified in 21 CFR 446.567b(a)(1).

Potency (activity) of tetracycline hydrochloride consists of three parts: the unit of potency, which is contained in 1.0 mcg of the tetracycline master standard as specified in 21 CFR 430.6(b)(5); the potency of bulk antibiotic which is not less than 975 mcg of tetracycline per mg of tetracycline hydrochloride as specified in 21 CFR 446.80(a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is not less than 15 mg of tetracycline hydrochloride per gm of an ointment as specified in 21 CFR 446.581a(a)(1).

The reader is referred to the discussion of tetracycline preparations as antibiotics for skin wound treatment under Category III. (See part IV. paragraph B.3.e. below—Tetracyclines (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).)

(1) *Dosage.* Topical ointment dosage, for both adults and children, should be not less than 1 mg of chlortetracycline hydrochloride per gm of finished ointment dosage form, not less than 30 mg of oxytetracycline per gm of finished ointment dosage form and not less than 15 mg of tetracyline hydrochloride per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. below—Category I Labeling.)

Category I labeling. The Panel recommends the following Category I labeling for topical skin wound protectant active ingredients to be generally recognized as safe and effective and not misbranded. Any phrase that is in the definition for that product category or any of the following additional terms may be used:

a. *Indications.* (1) "First-aid product."

(2) "First-aid for small (minor) cuts, abrasions, and burns."

(3) "Protects wounds."

(4) "Protectant."

(5) "Protectant for small (minor) cuts, abrasions, and burns."

(6) "Protects against wound contamination."

b. *Directions for use.* The labeling shall state: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily."

c. *Warnings.* (1) *"Caution:* In case of deep or puncture wounds or serious burns see a physician."

(2) "Do not use longer than 1 week."

(3) "If itching, redness, swelling, or pain develops or increases, it may be a sign of infection or allergy. Stop use and see a physician."

(4) "Do not use in the eyes."

(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash, or hand eczema."

2. *Category II conditions under which topical antibiotic products are not generally recognized as safe and effective skin wound protectants or are misbranded.*

Category II active ingredients. None listed.

Category II labeling. The Panel concludes that the use of some labeling claims are unsupported by scientific data, nor in some instances by sound theoretical reasoning, and are discussed elsewhere in this document. (See part II. paragraph J.5. above—Category II Labeling.) The Panel classifies the following as Category II labeling claims for skin wound protectant ingredients:

a. "Helps kill bacteria."

b. "Is not an uncommon sensitizer."

c. "Antiseptic."

d. "Aids, speeds, helps, augments, or hastens healing" (or any term or phrase which suggests that there can be decreased healing time resulting from application of an antibiotic-containing product on various cuts, wounds, or abrasions).

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.*

Category III active ingredients. The Panel concludes that available data are

insufficient to permit final classification of the following claimed topical skin wound protection ingredients:

Gramicidin D
Neomycin sulfate

a. *Gramicidin.* The Panel concludes that it has insufficient data to determine whether gramicidin is safe for use in small superficial wounds as a skin wound protectant.

Potency (activity) of gramicidin consists of three parts: the unit of potency, which is contained in 1.0 mcg of the gramicidin master standard as specified in 21 CFR 430.6(b)(17); the potency of the bulk antibiotic, which is not less than 900 mcg of gramicidin per mg as specified in 21 CFR 448.25(a)(1); and at least one example of the potency in a finished ointment dosage form, which in this case is certified only for combinations at 0.25 mg of gramicidin per gm of ointment, as specified in 21 CFR 444.542f (a)(1). Reference is made to the discussion of gramicidin as a skin wound antibiotic under Category III. (See part IV. paragraph B.3.b. below—Gramicidin.)

(1) *Dosage.* Topical ointment dosage for both adults and children should be 0.25 mg of gramicidin per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. above—Category I Labeling).

b. *Neomycin sulfate.* After careful review of all data submitted, as well as additional evidence provided by the Food and Drug Administration, consultants to the Panel, and an extensive literature search, the Panel concludes that it has insufficient data to determine whether neomycin sulfate is safe for use in small, superficial wounds as a skin wound protectant. These questions include a concern for sensitization and cross-sensitivity and the development of resistance and cross-resistance. This will be discussed in the section on neomycin sulfate as a topical skin wound antibiotic elsewhere in this document. (See part IV. paragraph B.3. below—Neomycin.)

Potency (activity) of neomycin consists of three parts: the unit of potency, which is contained in 1.429 mcg of the neomycin master standard as specified in 21 CFR 430.6(b)(20); the potency of the bulk antibiotic, which is not less than 600 mcg of neomycin per mg of neomycin sulfate as specified in 21 CFR 444.42a(a)(1); and at least one example of the potency of a finished ointment dosage form, which in this case is not less than 5 mg neomycin sulfate (equivalent to 3.5 mg neomycin base) per gm of neomycin sulfate ointment as specified in 21 CFR 444.542a(a)(1). Data for neomycin sulfate are lacking in two areas: (1) the allergic sensitizing potential and the possibility of cross-sensitivity of neomycin sulfate during short-term use on small cuts, burns, abrasions and (2) development of resistance and cross-resistance. (See part IV. paragraph B.3.c.—Neomycin sulfate.)

(1) *Dosage.* Topical ointment dosage for both adults and children should be not less than 5 mg neomycin sulfate (equivalent to 3.5 mgm neomycin base) per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily, with no maximum daily dosage.

(2) *Labeling.* The Panel recommends the Category I labeling for skin wound protectant ingredients. (See part III. paragraph B.1. above—Category I Labeling.)

Category III labeling. None listed.

IV. Skin Wound Antibiotics

A. General Discussion

The Panel recognizes that topical antibiotics are often used for treatment rather than prevention of infection by the lay public.

The Panel has defined the product category, Skin Wound Antibiotic to be "a safe non-irritating antibiotic-containing preparation which prevents or treats overt skin infection." The role of the antibiotic in such a preparation is to prevent or treat an infection in a small cut, wound, or abrasion. Claims stating or implying these effects against microorganisms must be supported by controlled human studies that demonstrate effectiveness in such treatment.

Sufficient data to prove effectiveness of topical antibiotics for treatment of infected wounds or prevention of such infections are lacking and the Panel has placed these ingredients in Category III. The type of studies to prove effectiveness are discussed below. (See part VI. below—General Guidelines for Safety and Effectiveness Evaluation of Topical Antibiotics.)

B. Categorization of Data

1. *Category I conditions under which antibiotic ingredients for skin wound antibiotics are generally recognized as safe and effective and are not misbranded.*

Category I active ingredients. None listed.

Category I labeling. The Panel recommends the following Category I labeling for topical skin wound antibiotic active ingredients to be generally recognized as safe and effective and not misbranded. Any phrase that is in the definition for that product category or any of the following additional terms may be used:

a. *Indications.* (1) "Decreases bacteria".

(2) "Helps prevent or guard against skin infection".

(3) "Helps reduce the risk (and/or chance) of infection".

(4) "Helps reduce the number of bacteria on the treated area".

(5) "Helps protect wounds against infection".

(6) "First-aid product".

(7) "Broad spectrum (if applicable)".

(8) "Treats infection".

(9) "Antibiotic medication for skin wounds".

(10) Any phrase in the definition of a skin wound protectant.

The Panel believes that the terms listed above are necessary so that OTC drugs will have labeling that is truthful and can be easily understood by consumers.

b. *Directions for use.* The labeling shall state: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger), directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily".

c. *Warnings.* (1) *"Caution:* In case of deep or puncture wounds or serious burns see a physician".

(2) "Do not use longer than 1 week".

(3) "If itching, redness, swelling or pain develops or increases, it may be a sign of infection or allergy. Stop use and see a physician".

(4) "Do not use in the eyes".

(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash, or hand eczema".

2. *Category II conditions under which antibiotic ingredients for skin wound antibiotics are not generally recognized as safe and effective and are misbranded.*

Category II active ingredients. None listed.

Category II labeling. The Panel concludes that the use of certain labeling claims are unsupported by scientific data, nor in some instances by sound theoretical reasoning, and are discussed elsewhere in this document. (See part II. paragraph J.5. above—Category II Labeling.)

The Panel classifies the following as Category II labeling claims for skin wound antibiotic ingredients:

a. "Helps kill bacteria."

b. "Is not an uncommon sensitizer."

c. "Antiseptic."

d. "Aids, speeds, helps, augments, or hastens healing" (or any term or phrase which suggests that there can be decreased healing time resulting from application of any skin wound antibiotic product on various cuts, wounds, or abrasions).

3. *Category III conditions for which the available data are insufficient to permit final classification for skin wound antibiotics at this time.*

Category II active ingredients. The Panel concludes that available data are insufficient to permit final classification of the following claimed topical skin wound antibiotic ingredients:

Bacitracin;
Gramicidin D;
Neomycin sulfate;
Polymyxin B sulfate; and
Tetracyclines (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).

a. *Bacitracin.* The Panel concludes that while bacitracin is safe in the potency used as a skin wound antibiotic

for application on small areas of the body, there are insufficient data to permit final classification of its effectiveness for use as an OTC skin wound antibiotic. Details of the deficiencies are explained below.

The antibiotic, bacitracin, was first isolated in 1943 by Johnson, Anker, and Meleney. It is produced by a strain of *Bacillus subtilis*.

Chemically, bacitracin is a mixture of polypeptides and has a molecular weight of approximately 1,460. As produced, bacitracin approaches 80 percent purity, with a potency between 40 and 50 units/mgm. Bacitracin, prepared as a zinc salt in petrolatum base, is stable (Ref. 1). The zinc apparently potentiates the action of this antibiotic (Ref. 2). It is unstable in water-containing preparations, and this should be considered when formulating products (Ref. 1).

The mode of action of bacitracin is to interfere with cell wall synthesis of the infecting organism. Mucopeptide linkage is prevented, there is accumulation of nucleotides, and no cell wall formation occurs. The activity is bactericidal. Susceptible organisms are gram-positive cocci, bacilli and corynebacteria. The beta-hemolytic Group A *Streptococcus* is extremely susceptible. Bacitracin is active against penicillin-resistant staphylococci. Gram-negative rods are not affected.

Although bacitracin demonstrates a mode of action like vancomycin and ristocetin, there is no cross reaction with these compounds. Synergism has been observed with penicillin, streptomycin, and neomycin, and occasionally, with tetracyclines and chloramphenicol (Ref. 3).

The development of resistance is poorly identified since laboratory determination of resistance is not normally performed for localized topical infections. There is no known cross resistance to other antibiotics.

The development of resistance to bacitracin is rare and poses no problem for OTC use.

(1) *Safety*. There was only a limited amount of basic toxicological data on bacitracin presented to the Panel. The drug, when administered parenterally to humans, in fairly high doses (200,000 units) for several days, does have nephrotoxic effects (Ref. 3). The evidence in experimental animals to date indicates nephrotoxicity from high doses, but the degree, type, and reversibility of the effect varies greatly with animal species and perhaps with the lot or batch of drug (Ref. 3). Oral administration of bacitracin in doses up to 240,000 units daily in adult humans was not accompanied by side effects or local irritation of gastrointestinal mucosa, and showed virtually no absorption (Ref. 3). Local application to the eyes in solution or ointment form caused no irritation (Ref. 3). It was reported that 5,000 units of bacitracin per ml caused retardation of epithelial regeneration in the eye, but no confirming data were presented (Ref. 4).

It is the Panel's opinion that no potential for harm exists when bacitracin is used on small wounds such as small cuts, abrasions, or burns. When bacitracin is used on large wounds or on large occluded areas there are no data to show the extent of absorption. The Panel recommends no further toxicological work if use is restricted to small areas of application.

BACITRACIN ALLERGY

Literature available to this Panel regarding bacitracin allergy comes predominantly from Europe and relates chiefly to the question of cosensitization with neomycin.

Scandinavian authors, Pirila and coworkers (Refs. 5 through 8) and Hjorth (Ref. 9) have reported frequent cross-sensitivity between neomycin and bacitracin. The concept of cross-sensitivity was defined in the section under neomycin. (See part IV. paragraph B.3.c.—Neomycin sulfate).

Derzavis, Rice, and Leland (Ref. 10) observed one case of dermatitis from bacitracin among 138 patients treated with bacitracin ointment.

In 1959, Pirila and Rouhunkoski (Ref. 6) reported 96 patients allergic to a 10 percent solution of bacitracin.

While combined sensitivity (occurring to both drugs at the same time) has been reported as a frequent experience in Europe, it was noted in 1963 by Epstein and Wenzel (Ref. 11), that only seven out of 173 North American dermatologists reported that they had observed sensitivity to bacitracin in neomycin-allergic patients. Epstein and Wenzel note that combined sensitivity to neomycin and bacitracin was often observed in Finland, Denmark, and Norway, but not in Sweden and other countries (Ref. 11). These authors, quoting Danbolt and Hellerstrom (Ref. 11), suggest that the differences are due to the fact that these antibiotics were sold over-the-counter in Norway, Denmark, and Finland, but not in Sweden. The antibiotic ointments most commonly used in Finland and Denmark contained both neomycin and bacitracin. Epstein and Wenzel believed that independent sensitization to both neomycin and bacitracin was a more plausible explanation for this discrepency than cross-sensitivity.

Coumaish (Ref. 12) presented a patient who developed an anaphylactoid systemic reaction (very serious allergic or sensitization type reaction) on three occasions following the topical application of neomycin and bacitracin (without enzymes) to a varicose ulcer.

Roupe and Strannegard (Ref. 13) reported a case of anaphylactic shock following topical application of an ointment containing bacitracin and neomycin in a 14-year-old girl. Anti-bacitracin antibodies were demonstrated in the patient's serum. Both cases involved large areas of skin that were particularly raw or ulcerated, which facilitated the absorption of large quantities of neomycin and bacitracin. These are the only cases reported in the literature and are not of concern in OTC use of bacitracin.

The North American Contact Dermatitis Research Group (Ref. 14) did not feel that bacitracin was a sufficiently frequent cause of skin allergy to include it in their 1972 study on the most common causes of allergy skin disease in North America.

(2) *Effectiveness*. Bacitracin for topical use was evaluated originally in clinical trials performed between 1947 and 1954 (Refs. 15 through 21).

These studies lacked controls and involved a wide variety of superficial skin infections. The dosage forms tested included bacitracin ointment and bacitracin aqueous solution. The later is not available commercially (either OTC or through prescription) for topical use.

In 1947, Meleney and Johnson (Ref. 15) reported on the use of bacitracin ointment and bacitracin aqueous solution in 100 patients with assorted minor surgical infections. Results were good in 31 percent, moderate in 57 percent, and poor in 12 percent. No controls were included, and results using bacitracin ointment alone could not be extracted from the report.

In 1948 and 1949 Miller et al. (Refs. 16 and 17) reported uncontrolled studies using bacitracin ointment in 87 and 68 adequately followed patients with several types of superficial skin infections. Impetigo cases responded particularly well to treatment, with a median healing time of 8 days among 42 of 44 patients cured with bacitracin ointment. However, no cases were treated with the ointment base alone.

In 1949 Eichenlaub and Olivo (Ref. 18) treated 50 cases of assorted skin infections with bacitracin ointment, with results being good in 33, moderate in 11, and poor in 6 patients. Among 11 impetigo cases, 10 were cured. No cultures were performed and no controls were included in this study. Finnerty (Ref. 19) in 1951 treated 75 cases of superficial skin infection with bacitracin ointment or bacitracin solution in wet dressings. Results were good in 46, moderate in 27, and poor in 2 patients. All 12 impetigo cases were cleared in an average of 7 days. No cultures or controls were included in the study, and results using bacitracin ointment alone could not be extracted. In 1951 Wrong et al. (Ref. 20) reported on a very small uncontrolled clinical study using bacitracin ointment. Among 27 patients with assorted skin infections, results were good in 6, moderate in 16, and poor in 5 patients. Cultures were included in this study, but no control ointment was used. In 1949 Derzavis and Rice (Ref. 21) treated 138 patients with various superficial and deep bacterial infections. Results were good in 128, moderate in 5, and poor in 5 patients. All 46 patients with impetigo were cured with bacitracin ointment in an average time of 4.7 days. No cultures or controls were included in the study.

In 1962 Klainer et al. (Ref. 22) reported that bacitracin ointment was used to stop an epidemic of *Staphylococcus aureus* infection in a hospital newborn

nursery. Bacitracin ointment was applied twice daily to the umbilical area, inguinal folds, and suprapubic area of 166 infants. Prior to the treatment period, 79 percent of 52 infants had the epidemic strain of *Staphylococcus aureus*. During the treatment period, only 2 percent of 39 newborn infants treated with bacitracin ointment had positive cultures of staphylococci from the navel, groin, or nose. In contrast, 52 percent of 23 untreated control infants during the same period were positive for staphylococci. The overall incidence of staphylococcal infections in the nursery during the treatment period was 22 percent. Immediately after the treatment period, cultures of 133 infants revealed 21 percent to be positive for *Staphylococcus aureus*, but the epidemic strain had been eliminated. Bacitracin ointment was felt to have been very effective in eliminating the reservoir of epidemic staphylococci and preventing cross-infection between infants.

In 1970 Dillon (Ref. 23) performed the only double-blinded, carefully controlled studies involving bacitracin ointment of which the Panel is aware. He compared the effects of bacitracin ointment, hexachlorophene scrubs, benzethine penicillin G, and procaine penicillin in the treatment of 531 children with impetigo. Bacterial cultures were done on each patient. In the first study which involved 110 children, after 2 weeks of treatment, clearing of impetigo occurred in 9 percent of 22 children treated with hexachlorophene alone, 39 percent of 46 children treated with hexachlorophene and bacitracin ointment, 83 percent of 18 children treated with hexachlorophene and oral penicillin V, and 96 percent of 24 children treated with hexachlorophene and intramuscular penicillin G. It was concluded that topical treatment of impetigo with bacitracin ointment combined with hexachlorophene was better than treatment with hexachlorophene alone, but was markedly inferior to treatment with intramuscular penicillin. This conclusion was based on slower rates of healing, continued development of new lesions, and the continued presence of pathogenic streptococci in the respiratory tract. Practical difficulties in application of bacitracin ointment three times daily were encountered when numerous lesions needed treating or more than only family member needed treatment. Since 1970, the systemic treatment of impetigo has generally been recognized to be superior to any type of topical therapy. Although some benefit was obtained from adding bacitracin topical therapy to hexachlorophene scrubs in the above study, the Panel concludes that the cure rate of 39 percent is not satisfactory in treatment of such a highly transmissible and infectious disease as impetigo.

Dillon reported a recent unpublished uncontrolled study (Ref. 24) to the Panel in which ointment containing bacitracin was used to treat 64 children with fewer than five impetigo lesions each. Gentle washing of lesions with a coarse soapy cloth was followed by application of bacitracin ointment 4 times daily. Cultures of lesions revealed 20 cases with pure staphylococci, 40 cases with mixed staphylococci and streptococci, and 4 cases with no growth. Results after 10 to 14 days of treatment showed clearing in 60 percent of the pure staphylococcal lesions, 90 percent of the mixed staphylococcal-streptococcal lesions, and 100 percent of "sterile" lesions, with overall clearing in 81 percent of cases. Nose and throat cultures taken before and after treatment showed almost no change in the pathogenic staphylococci and streptococci in the respiratory tract. This source was felt to possibly account for the reinfection of skin observed in five patients with new lesions following treatment. Patients not improving after 5 to 7 days of bacitracin ointment treatment were treated with oral antibiotics. Although this study was uncontrolled, Dillon felt that clinical improvement was significant and that bacitracin ointment should be considered superior to soap and water scrubbing for treatment of the early mild cases of impetigo. The Panel interpreted his remarks as favoring continued OTC availability of bacitracin ointment.

(3) *Dosage*. Topical ointment dosage, for both adults and children should be not less than 500 units of bacitracin per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling*. The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV, paragraph B.1. above—Category I Labeling.)

(5) *Evaluation*. In summary, the Panel concludes that bacitracin requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. Bacitracin appears to be a safe antibiotic for OTC use, with no evidence of either toxicity or sensitization hazards resulting from use on small areas of infected skin.

Some evidence presented above suggests that bacitracin may be helpful in preventing and treating superficial skin infections caused by staphylococci and streptococci. However, no controlled studies were presented to the Panel showing that bacitracin ointment was therapeutically superior to its ointment base alone for treating such infections. The only well-controlled, double-blinded study (Ref. 23) seemed to question the advisability of using bacitracin ointment for treating superficial bacterial infections such as impetigo, since systemic antibiotics produce a much more rapid and reliable cure of the infection.

The Panel recognizes that systemic antibiotics may not always be readily available for treatment of impetigo or other superficial skin infections, and that an effective OTC product would be desirable. The uncontrolled study by Dillon (Ref. 24) indicates that bacitracin ointment is frequently effective in treating mild impetigo in its early stages. If controlled studies confirm this impression and show that other types of early infections in superficial skin wounds may be aborted by application of bacitracin ointment, bacitracin should be moved into Category I.

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b. *Gramicidin D.* The Panel concludes that there are insufficient safety and effectiveness data to permit final classification of gramicidin D as a skin wound antibiotic.

An antibiotic mixture was obtained from a culture of a soil organism, *Bacillus brevis*, in early antibiotic work by Dubos in 1939. The mixture was called *tyrothricin* and its two components were *gramicidin* (20 percent) and *tyrocidine* (80 percent) (Ref. 1). They are polypeptide in nature and extracted from acidified cultures with alcohol and sodium chloride. The crude material is a gray to brown powder which is stable to light, air, and temperatures up to 50° C. It is practically insoluble in water (Ref. 1), but solution can be accomplished by the addition of suitable surface active agents. It is soluble in alcohol and glycols and has a high heat stability (Ref. 1). By extraction with equal amounts of acetone and ether the gramicidin may be separated from the tyrocidine. It may be concentrated by vacuum and redissolved in hot acetone. Several gramicidins are described in the "Merck Index" including gramicidin D, the only gramicidin under consideration by the Panel (Ref. 2). Gramicidin D is that described and developed by Dubos and has a molecular weight of approximately 2,000 gm/mole. Gramicidin J_1 and J_2 have been described by the Japanese but are apparently not used clinically. Gramicidin S is also known as gramicidin C and is described in the Russian clinical literature. Gramicidin S differs from gramicidin D in that the molecular weight of gramicidin S is reported to be 1,140 gm/mole.

As the analyses became more sophisticated, it was realized that the tyrocidine fraction was inactive, so that the active drug entity of tyrothricin is gramicidin. The inactive tyrocidine is not marketed.

Gramicidin is bactericidal (Ref. 1). Its activity is directed against the cell membranes of susceptible organisms. Both aerobes and anarobes are susceptible. Mycobacteria and streptococci are senitive. The antibiotic is largely inactive against gram-negative organisms (Ref. 1).

Phospholipids inhibit the activity of gramicidin and this is probably the explanation for the resistance of gram-negative bacilli, which have phospholipids on their surfaces.

There are no reports of resistance developing to this antibiotic.

(1) *Safety.* The Panel is aware that a limited amount of gramicidin D could possibly be absorbed from the application of a preparation to a small cut or abrasion. There were no toxicity data submitted on gramicidin. The Panel is concerned about any amount that is absorbed. Therefore, the Panel recommends that sufficient toxicological work be performed to show that the amount that could be absorbed from a small wound is safe. This information should include target organ toxicity studies with a determination of the blood level required to elicit the toxic response as described in testing guidelines. From these data, the safety of an applied dose could be assessed.

Gramicidin is a potent hemolytic agent causing destruction of red blood cells (Ref. 1). Hemolysis may occur if gramicidin is employed in fresh surgical or traumatic wounds.

On the basis of the limited data submitted that are available in Goodman and Gilman (Ref. 1), the Panel cannot make an adequate judgment about the safety of gramicidin at this time. Though there is no evidence of a serious toxicological hazard from the limited topical use, there is also no evidence of its safety.

The Panel would therefore require basic toxicological data including MLD, LD-50 and LD-99. Because gramicidin is a hemolytic agent, the Panel would require studies in this area sufficient to assess this risk.

The Panel has reviewed the literature in regard to the allergenicity of topical gramicidin D. The literature does not indicate that gramicidin D is a cause of allergic skin disease.

(2) *Effectiveness.* Gramicidin D, 0.25 mg/gm in plasticized hydrocarbon gel base, has been submitted for OTC review as part of a combination ointment containing neomycin. The Panel has been unable to find any literature regarding either the safety or efficacy of this product or of any ointment containing only gramicidin D. Gramicidin S, a slightly different form of gramicidin, was used in an ointment base in 1944 by Sergiev (Ref. 3) in a collaborative study among 10 hospitals in Russia. However, gramicidin S solution was used at the same time and results of treatment attributable to gramicidin S ointment cannot be extracted from the report.

With so little data available on gramicidin, and since gramicidin is the active antibiotic component of tyrothricin, the literature on tyrothricin was reviewed by the Panel in an effort to evaluate possible clinical effectiveness of gramicidin D. Most reports date from the 1940's and are uncontrolled clinical studies involving approximately 1,300 patients with infected skin diseases or superficial surgical wounds. Tyrothricin was used mainly in the form of topical wet dressings in aqueous solution containing 0.5 mg/ml, a dosage form which is not available commercially. Only two studies (Refs. 4 and 5) discussed below included clinical trials using tyrothricin in ointment or vanishing cream base.

In 1946 Anderson found tyrothricin to be bacteriologically inactive in seven different ointment bases when tested with in vitro techniques (Ref. 6). The Panel has seen no other data concerning in vitro activity of tyrothricin or gramicidin in either ointment or cream bases.

Reported clinical trials with tyrothricin ointment or cream lack consistency and have been extremely limited, involving only about 70 patients with a wide variety of skin diseases. In 1948 Johnson tested tyrothricin cream containing 1.0 mg/gm in 10 patients with impetigo (Ref. 5). Although well tolerated and resulting in clearing of lesions after 6 to 12 days, the tyrothricin cream did not provide as rapid healing of impetigo as either penicillin ointment or ammoniated mercury ointment used variously as controls. No comparison was made to treatment using cream base alone. In the same study, tyrothricin cream was of little benefit in treating 14 other patients with superficial infections, and was concluded to be of "little practical value." In 1946 Franks et al. treated 47 cases of skin infection with either tyrothricin ointment 0.3 mg/gm in greaseless base or tyrothricin solution (Ref. 4). While impetigo lesions cleared after approximately 6 days in the eight cases treated, no other skin infections were cured. No distinction was made between patients using tyrothricin ointment or solution, making therapeutic results obtained with ointment impossible to extract or interpret.

In 1946 tyrothricin solution in either water or alcohol base was shown to be active against staphylococci and streptococci in vitro (Ref. 6). The same study reported a small uncontrolled clinical trial with alcoholic tyrothricin solution 40 to 200 mg/ml used as continuous wet dressings in 20 patients with assorted skin infections. "Good" results occurred in 15 patients, but were not fully explained.

The use of tyrothricin solution was reported in several other small uncontrolled studies (Refs. 7 through 12) which did not deal with conditions normally treated with OTC topical antibiotics. In 1942 Rammelkamp (Ref. 7) treated leg ulcers using tyrothricin in alcohol. Ulcers containing *Staphylococcus aureus*, hemolytic streptococci, or *Streptococcus fecalis* healed completely in 6 of 12 patients. Ulcers did not respond if they contained gram-negative organisms. Rankin in 1944 (Ref. 8) felt that marked tissue stimulation occurred in six chronic leg ulcers treated with tyrothricin aqueous solution, with complete healing of five ulcers. Kvale et al. in 1944 (Ref. 9) treated 50 leg ulcers with tyrothricin solution and also thought that marked stimulation of granulation tissue occurred. However, there were no controls or statistics to support this conclusion. Merrell, in an uncontrolled study in 1943 (Ref. 10), felt that tyrothricin solution helped prepare ulcers for skin grafting, reporting favorable results in 53 percent of 93 cases of infected ulcers and wounds. In 1946 Mom and Bernal (Ref. 11) treated infected leprosy ulcers on the legs with tyrothricin solution, with healing of most ulcers within 75 days. The Panel concluded that this study was not relevant to OTC use of topical antibiotics

due to the nature of the underlying disease. In 1948 Lask (Ref. 12) used tyrothricin solution to treat a small number of stasis ulcers present longer than 1 year, with complete healing of ulcers in 9 of 14 patients within 12 weeks. In the same uncontrolled study, 10 granulating wounds were treated daily with tyrothricin solution in preparation for skin grafting, with rapid elimination of streptococci from all wounds.

Postoperative wounds have been treated with tyrothricin solution (Refs. 13 through 15). Cantor in 1946 (Ref. 13) concluded that postoperative proctologic wounds, such as hemorrhoidectomy wounds, treated with tyrothricin aqueous solution in wet dressings developed less drainage and infection and permitted earlier ambulation than usual. No controls were included and no mention was made of the number of patients treated. In 1947 Goldman et al. (Ref. 14) treated 62 postoperative pilonidal cysts with tyrothricin solution and observed that granulation tissue appeared to be cleaner, and healing appeared to be more rapid than usual. No consistent controls were included in this study.

In 1946 Kozoll et al. (Ref. 15) treated 77 surgical infections with tyrothricin solution 0.5 mg/c, including postoperative wounds, leg ulcers, abscesses, and burns. Excellent results ocurred within 2 months in 65 percent of cases, with disappearance of visible signs of infection. Doubling the concentration of tyrothricin appeared to increase the rate of granulation tissue formation. The only controls included were in a small, paired-comparison study involving six patients with bilateral leg ulcers. In four of the six patients faster healing occurred in ulcers on the sides treated with tyrothricin than one sides receiving plain solution.

Minor surgical infections, including cellulitis, furuncles, and acute paronychia were treated with tyrothricin solution by Goldman et al. (Ref. 14). In 43 patients, there was rapid disappearance of discharge and development of granulation tissue. Control medications were applied in a few cases bupt not in a consistent manner. McKee et al. in 1946 (Ref. 16) used tyrothricin solution in 232 patients with hair follicle infections. The tyrothricin solution, containing a special propylene glycol vehicle to increase penetration into the skin, produced a favorable response in most patients. Controls included 15 patients with acne or follisulitis treated for 3 weeks with either the vehicle alone or tyrothricin in ethyl alcohol solution. Although the control patients failed to improve in 3 weeks, the Panel concluded that their number was too small and their diseases were too varied to be significant.

(3) *Dosage*. Topical ointment dosage, for both adults and children, should be 0.25 mg of gramicidin per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling*. The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV. paragraph B.1. below—Category I Labeling.)

(5) *Evaluation*. In summary, the Panel concludes that gramicidin D requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. In addition, further safety data are required since there were no toxicological studies concerning gramicidin D reported to the Panel. The Panel recommends that the safety of gramicidin D be studied to determine both systemic and topical toxicity, as outlined in the Safety Testing Protocol described elsewhere in this document. (See part VI. below—General Guidelines for Safety and Effectiveness Evaluation of Topical Antibiotics). Specifically, the amount of gramicidin D absorbed through the skin following topical application of gramicidin D cream or ointment needs to be determined, as does the hemolytic (red blood cell breakdown) potential of gramicidin D resulting from absorption through fresh superficial wounds. The Panel concludes that the toxicity potential of this antibiotic has apparently never been documented.

Clinical studies utilizing purified gramicidin are also apparently nonexistent. Evaluation of the clinical effectiveness of gramicidin therefore depends on several uncontrolled studies performed in the 1940's using tyrothricin, which contained gramicidin as its active component. While some studies indicated that tyrothricin might be helpful in treating wounds infected with staphylococci and streptococci, most studies utilized tyrothricin solution, a dosage form not presently available for OTC use. Little data exist from use of tyrothricin in either cream or ointment bases, the currently accepted OTC dosage forms. The Panel considers that it is not scientifically sound to extrapolate data from studies using tyrothricin solution in attempting to evaluate the clinical effectiveness of gramicidin in ointment form. The Panel recommends that effectiveness data using gramicidin alone be acquired in controlled clinical studies involving treatment of minor cuts, wounds, burns, and abrasions.

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c. *Neomycin sulfate*. After careful review of all data submitted and additional evidence provided by FDA, consultants to the Panel, and an extensive literature search, the Panel concludes that there are insufficient safety and effectiveness data to permit final classification of neomycin sulfate as a skin wound antibiotic. Data for neomycin sulfate is lacking in three areas: (1) the allergic sensitizing potential and the possibility of cross-sensitivity of neomycin sulfate during short-term use on small cuts, burns, and abrasions, (2) the therapeutic and prophylactic effectiveness of neomycin sulfate when used on small cuts, burns, and abrasions, and (3) development of resistance and cross-resistance. Details of these deficiencies in data submitted on the safety and effectiveness of neomycin sulfate will be expanded in the following sections.

The antibiotic, neomycin, is produced by a soil organism, *Streptomyces fradiae*. It was first isolated in 1949 by Waksman and Lechevalier (Ref. 1).

Neomycin is an aminoglycoside antibiotic containing a deoxystreptamine moiety and therefore is related to streptomycin, gentamicin, paramomycin and kanamycin (Ref. 1) and two newer aminoglycoside antibiotics, amikacin and tobramycin. The complex constituting neomycin includes three components, neomycin A, B, and C. While the proportions of these may vary in different preparations, commercial neomycin consists almost entirely of the B component (Ref. 1).

The mode of action of neomycin is to interfere with protein synthesis of the microbial cell and is considered bac-

tericidal. A number of organisms frequently show in vitro susceptibility with 5 to 10 mcg/ml (ppm), or less, of neomycin (Ref. 1). Among these are *Staphylococcus aureus*, *Streptococcus* species, *Proteus* species, *Escherichia coli* and *Corynebacterium* species.

Clinical strains of *Staphylococcus aureus* that are neomycin resistant are always resistant to kanamycin (100 percent cross-resistance). Cross-resistance to other aminoglycoside antibiotics may be complete or only partial (Ref. 1). In fact, kanamycin is the representative antibiotic of the aminoglycoside family (class) of antibiotics used in susceptibility testing to determine resistance in clinical isolates (bacteria grown out of a clinical lesion). Kanamycin is still used in systemic infections, while neomycin is generally restricted to topical application or to presurgical reduction of gastrointestinal flora.

The mechanism of resistance for both neomycin and kanamycin is considered to come from bacterial enzyme (phospho-transferase) inactivation of the antibiotic (Ref. 1).

Neomycin has also been used in deodorant products to supress axillary odor. Shehadeh and Kligman (Ref. 2) in 1963 applied an aqueous solution to one axilla (underarm) and an inert vehicle to the other axilla of 50 males for 15 to 16 weeks. Neomycin was found to suppress axillary odor while eliminating all gram-positive bacteria and allowing the gram-negative flora to become dominant. It is known that organisms that are susceptible to antibiotics may lose their susceptibility and develop resistance on exposure to low levels of antibiotics over a short (streptomycin-like, one-step resistance) or over a long (penicillin-like, step-wise resistance) period of time, both in vitro and in vivo. Since short-time resistance development was first detected as a one-step change in the organism exposed to streptomycin, it is often referred to as streptomycin-like; one-step resistance. When a longer time is required to show resistance development, such as is required for induction of the enzyme penicillinase to product resistance, it is often referred to as penicillin-like, step-wise resistance. In these studies, no organisms were found to be resistant to neomycin and the axillary flora returned to its normal balance within 4 weeks after neomycin was discontinued (Ref. 2).

The development of resistant strains of bacteria following topical application of neomycin was investigated by Livingood, et al., (Ref. 3) and published in 1959. Cultures from 354 patients before and after treatment with either topical neomycin, tetracycline, erythromycin, or bacitracin ointments revealed no *Staphylococcus aureus* organisms remaining after neomycin treatment of 109 cases. In contrast, the picture was somewhat different where 16 isolates of resistant *Staphylococcus* organisms were found among 136 patients treated with tetracycline or erythromycin ointment. Marples and Kligman in 1969 (Ref. 4), some 10 years later, demonstrated development of neomycin-resistant *Staphylococcus* organisms with neomycin aqueous solution used experimentally under occlusion on opposite forearms of 10 subjects. This organism's presence resulted in a pyoderma and became the dominant organism in 7 out of 10 neomycin-treated arms.

A comprehensive review article on resistance of *Staphylococcus aureus* to antibiotics appeared in March 1975 (Ref. 5). Development of neomycin resistance is summarized in the review. Lacey pointed out that resistance to neomycin had not been seen in the first 8 to 10 years (1951–1959) of its use, but suddenly appeared around 1960 despite early widespread topical use. The strains discovered were already resistant to several antibiotics and were closely related according to phage typeability studies. These strains were isolated frequently from patients treated with topical neomycin. Epidemiologic studies suggested that the topical application of neomycin played a greater role than the systemic use of related antibiotics in the development of resistant strains. Since enormous populations of staphylococci were exposed to neomycin, Lacey postulated that the delay in resistance development over the initial 8- to 10-year period of use was related to the rarity of the resistance genes in the populations of staphylococci exposed (Ref. 5). Since resistance genes are plasmid-borne (contained within the cytoplasm of the cell) and are relatively rare, the appearance of resistance in numerous staphylococcal phage types indicates that gene transfer from the original resistant phage type must have occurred and also indicates the presence of a transducing phage. While the complete interrelationships have not been worked out experimentally or clinically, it would appear that the topical application of neomycin throughout the general population could potentially play a role in the increase of resistant organisms, not just to neomycin but to other related aminoglycoside antibiotics such as kanamycin, gentamicin, amikacin, tobramycin, and other potentially life-saving systemic antibiotics, some of which are now in the developmental stage.

There are some suggestive data that organisms such as *Staphylococcus epidermidis* show increased resistance to kanamycin. Routine susceptibility tests use kanamycin to predict resistance to aminoglycoside antibiotics. Since there is 100 percent cross-resistance between neomycin and kanamycin, it can be assumed that hospital clinical isolates of *Staphylococcus epidermidis* are also neomycin resistant. The information concerning the current resistance of *Staphylococcus aureus* or the streptococci from nonhospital infections in the community at large are not available. This may be due in part to lack of routine or systematic susceptibility testing by dermatologists or pediatricians when superficial infections are treated.

Resistance to neomycin confers resistance to other deoxystreptamine-containing antibiotics.

Resistance has been seen commonly in the *Pseudomonas* species, especially in strains of *Pseudomonas aeruginosa*. Other organisms in which some resistance has been demonstrated are: *Staphylococcus aureus*, *Enterobacter*, *Streptococcus*, *Clostridium* and *Mycobacterium*. The fungi and viruses are quite resistant to neomycin (Refs. 6 through 22).

The Panel is concerned that the neomycin resistance of skin staphylococci in the population may have a deleterious effect if the staphylococci are cross-resistant to other aminoglycoside anitibiotics used for serious systemic infections.

(1) *Safety*. Shortly after its discovery in 1949, neomycin sulfate was administered to man as a "so-called" broad spectrum antibiotic. It was found to be so toxic when administered parenterally that its use is now largely restricted to topical applications. The known toxicology of neomycin will be fully discussed below. The Panel has determined that the amount of neomycin that could be absorbed from application to small wounds is far below the toxic level. Thus, for such uses, the Panel has determined that systemic toxicity from topical application of neomycin sulfate is unlikely. However, the following full discussion of the toxicity potential drawn from the available data does give the reasons why the Panel believes that the label restrictions against use on large areas of diaper rash, heat rash, and burns are fully justifiable.

It is now recognized that the use of neomycin sulfate by injection, in high doses, over a period of time in man produces neurotoxic deafness and kidney damage. There seems to be great individual variation in susceptibility to the toxic effects of neomycin (Ref. 23). Preexisting renal insufficiency may cause accumulation of the drug in body fluids and tissues (Ref. 23). The minimal blood concentration required to produce neurotoxic and nephrotoxic effects is unknown. At least two authors (Refs. 23 and 24) have recommended that parenteral doses of 1 gm daily for 1 week should not be exceeded. There are no firm data to support this dose level as safe, but some data do exist suggesting that lower doses for longer than one week induce only transient kidney damage.

It has been previously stated that the parenteral toxicity of neomycin sulfate has largely limited its use to topical application. However, the amount of neomycin that may be absorbed into the blood stream after topical application of neomycin sulfate to diseased skin is unknown. The absorption of neomycin after topical application to normal skin is reported to be very low. In a study in adult males, extensive exposure of normal skin for 6 hours to neomycin sulfate ointment applied over large areas of body surface did not result in any detectable percutaneous absorption (Ref. 25). However, inflamed and damaged skin

and mucous membranes have been found to lack the normal barriers to neomycin absorption (Ref. 24). One report showed renal failure and deafness following the use of neomycin and porcine xenografts (skin grafts from a hog) in a burned patient. The blood level of neomycin in this deafened patient was 4.5 mcg/ml 3 days after the last exposure (Ref. 26). Whether or not deafness can occur with lower blood levels of neomycin is not known.

A report (Ref. 27) in which neomycin was administered subcutaneously to humans included blood serum assays for neomycin performed at various dosage levels after various periods of time. A single subcutaneous injection of 1.0 gm of neomycin produced serum levels of approximately 20 mcg/ml for at least 8 hours and resulted in mild signs of renal impairment in one of four patients. No evidence of toxicity appeared from a single subcutaneous injection of 500 mg, although serum neomycin levels were 10 mcg/ml for at least 8 hours. Multiple injections of neomycin every 4 to 6 hours for 15 to 16 days produced ototoxicity with some impaired renal function if serum concentrations of neomycin were 15 to 16 mcg/ml for 15 days. Whether or not lower blood concentrations of neomycin over a period of time would lead to renal damage was not determined. Another study (Ref. 28) demonstrated serum levels of neomycin 12 to 30 mcg/ml following intramuscular injections of 300 mg every 6 hours for four doses. In cases of renal impairment, there was a significantly rapid buildup in serum concentration of neomycin. The blood concentration required over a definitive period of time as necessary to cause renal or ototoxic (deleterious to hearing and balance) effects cannot be assessed from any of the available data.

There have been other reports of deafness occurring in human patients following topical application of neomycin. Murphy (Ref. 29) reports deafness resulting from instillation of neomycin into the inner ear. Kelley et al. (Ref. 30) report of deafness following irrigation of granulating wounds with neomycin solution.

In animals, neomycin shows rather specific toxicities when administered parenterally. The acute LD_{50} in mice by intraperitoneal injection was found to be about 200 mg/kg (Ref. 23). Somewhat smaller doses of 40–100 mg/kg/day given to cats for 8–60 days caused neurotoxic effects. Kidney lesions developed in dogs and rats at similar dose levels given for 1–3 weeks (Refs. 23 and 24). Topical neomycin in ointment form or aqueous solution was not acutely irritating to eyes of dogs or rabbits and produced no dem- of dogs or rabbits and produce no demonstrable skin irritation (Ref. 25).

It is obvious from the above discussion that induction of neurotoxic and nephrotoxic symptoms is both time and dose dependent. In general, at lower blood concentrations, toxic manifestations require up to several weeks to become noticeable, while at higher blood concentrations the effect is detectable sooner. The Panel concludes that it would be most unlikely that detectable blood levels could be obtained from application of neomycin sulfate preparations to small wounds such as cuts and abrasions. The Panel recognizes that toxic blood levels can be reached if neomycin sulfate preparations are placed on large areas of burned or broken skin.

In summary, the Panel concludes that absorption of neomycin from small cuts, abrasions, or burns would not be sufficient to induce either neurotoxic effects or nephrotoxic effects, especially since these products are labeled "not to be used for more than 1 week." Therefore, for restricted use on small areas, the Panel does not recommend further toxicological study. If neomycin sulfate preparations are to be used on large burns, abrasions, or under large occluded areas, the Panel believes that the evidence presented suggests that a toxicological hazard may exist. It is the conclusion of the Panel that neomycin sulfate should be restricted from use in OTC medications labeled for use on large areas of the skin.

(i) *Neomycin allergy.* Some of the antibiotics have a history of inducing allergic contact dermatitis upon topical application. The following discussion relates to modes of recognizing and testing for allergic skin disease. The Panel is discussing and evaluating the current and accepted testing procedures in order to place the reported prevalence of allergic skin disease in proper perspective.

The allergic reactions caused by topical antibiotics are usually of the allergic contact dermatitis type. Contact dermatitis is characterized by redness, scaling, itching, and/or blistering of the skin. It is caused by one or more chemicals contacting the skin surface for a variable length of time. Two types of contact dermatitis exist: allergic contact dermatitis which develops slowly and only affects certain people following repeated exposure to sensitizing chemicals such as an antibiotic, poison ivy resin, or formaldehyde; and irritant contact dermatitis, which is not allergic and often develops rapidly in any person following skin contact with irritating chemicals such as soap or lye solution.

In discussing the safety of topical antibiotics with reference to development of allergic reactions, the Panel is concerned mainly with neomycin. All other topical antibiotics discussed in this monograph (bacitracin, gramicidin, polymyxin, and tetracycline) appear to cause little allergic sensitization. The reader is referred to detailed discussions of the allergenicity of each antibiotic later in this report.

The development and extent of allergic contact dermatitis depends on several factors (Ref. 31). These include: the age of the patient; the duration and frequency of exposure; the underlying innate ability of the patient to develop allergic sensitivity; the part of the body exposed to sensitizing chemicals; the presence of infected or inflamed, eczematized (rough, scaly) skin; the amount of perspiration; the degree of pressure and friction bringing chemicals into contact with the skin; the type of base used in the commercial product; the concentration of the active sensitizing ingredient; and the inherent sensitizing potential of the active ingredient.

The physician's diagnosis of allergic contact dermatitis is confirmed using the technique of patch testing. The test patch is a small cotton gauze, or cellulose disc covered with test material, which exposes a small portion of skin to a potentially sensitizing chemical. Several patch tests are usually applied simultaneously to the back and covered with occlusive tape which holds them in place for 48 hours. The patches are then removed and the underlying skin examined for evidence of dermatitis 24 hours later. This 48-hour closed patch has become the international standard of testing (Refs. 32 and 33).

Unfortunately, the results of patch testing must be evaluated in light of the fact that its use and misuse is well documented (Refs. 31 and 34). The proper testing concentration for each chemical must be determined by studying normal control volunteers. Too low a concentration results in false negative tests (Ref. 35), while excessive concentrations lead to false positive tests from chemical irritation of the skin. To be considered valid, a patch test must be proved to be relevant to the case of dermatitis in question. Relevance is said to be present if contact with a commercial product containing a patch-test-positive material for the patient produces allergic contact dermatitis. Not all publications reviewed by the Panel established relevance of positive patch tests. However, the major studies of the International Contact Dermatitis Research Group attempted to eliminate the nonrelevant test responses (Ref. 32).

(ii) *The atopic state and its relationship to allergic contact dermatitis.* Comments have been made that the segment of the population at large, who are atopic, are more vulnerable to allergic disease than the normal individual. Current scientific evidence refutes the validity of this concept as is explained in the following discussion. Development of allergic contact dermatitis to topical medications was long considered to be dependent on the presence of underlying atopic dermatitis (Refs. 36 and 37). Atopic dermatitis is an inherited condition frequently associated with allergic problems such as asthma, hay fever, and hives. The skin of people with atopic dermatitis is very dry, itchy, and easily irritated by contact with mild chemicals such as soaps. However, despite their tendency to frequently develop irritant contact dermatitis, patients with atopic dermatitis have recently been found to be less reactive to topically applied sensitizing chemicals than normal control patients (Ref. 38). Their skin is less apt to react in an allergic manner to chemicals which come in contact with it than is normal skin or skin with other diseases. They have also proved to be more difficult to sensitize than control patients using topical DNCB (2, 4-dinitrochlorobenzene), a very potent topical sensitizer (Ref. 39).

The apparent altered immune state associated with atopic dermatitis is thought to be due to increased levels of immuoglobulins which lower cellular immunity to bacterial and viral infections (Ref. 40). It seems clear from the work of Gottlieb and Hanifin that an immunoglobulin IgE may itself prevent in vitro cellular immune responses (Ref. 41). However, it is still not clear whether patients with atopic dermatitis are deficient in cellular immunity, even though they have selective ability to become sensitized to certain antigens.

In a study of 752 patients with various types of eczematous dermatitis (allergic skin condition), Wereide tried to determine the incidence of allergic contact dermatitis produced by a number of agents (Ref. 42). He found an incidence of 2.3 percent neomycin positive patch test reactions in a group of 43 patients with atopic dermatitis. This was in sharp contrast to an incidence of 20.8 percent neomycin allergic patch test reactions in a group of patients with both stasis dermatitis and stasis ulcers caused by varicose veins. Of all the various types of skin diseases studied, atopic dermatitis showed the least allergic contact sensitization to neomycin.

In another study of patients with atopic dermatitis, neomycin allergy was found in 1.2 percent of males and 0.0 percent of females. In nonatopic patients, neomycin allergy was found in 3.6 percent of males and 4.4 percent of females (Ref. 38). In the same study, sensitization to other chemicals such as nickel, dichromate, cobalt, rubber, balsam, and benzocaine was also found to be higher in nonatopic patients than in atopic patients.

The Panel concludes that there is evidence showing that patients with the atopic state are less likely to become allergic to topical medications including neomycin sulfate than people with normal skin.

(iii) *Allergic sensitization to neomycin.* Reports in the literature documenting allergic contact dermatitis produced by neomycin are numerous. By March 1975, over 60 English language references dealt with the subject of neomycin sensitivity (allergy) (Ref. 43). The clinical appearance of topical neomycin allergy in many instances is as an aggravation of a preexisting dermatitis, so that the diagnosis is easily missed (Refs. 44 and 45). The true prevalence of neomycin allergy in the United States is unknown. The following studies reflect only the prevalence of neomycin allergy in patients with underlying skin problems such as stasis dermatitis (eczema due to impeded circulation), leg ulcers, and hand eczema.

In the United States, recognition of neomycin dermatitis began in 1952 (Ref. 46). By 1963 there was widespread recognition of neomycin dermatitis, as Epstein and Wenzel stated: "An inquiry among nearly 200 dermatologists in the United States in the fall of 1962 revealed that sensitivity to neomycin is not rare. Some had observed close to 100 cases of sensitivity to neomycin (Ref. 47)." In 1973 a cooperative study in the United States by members of the North American Contact Dermatitis Research Group revealed neomycin sensitivity in 6 percent of 1,200 patients with known contact dermatitis (Ref. 48).

Neomycin sensitivity has also been studied extensively in northern Europe. By 1959 over 240 cases of neomycin sensitization were reported in Helsinki (Refs. 49 and 50). In Denmark, topical neomycin allergy was found in 10 percent of all patients with dermatitis who were patch tested between 1962 and 1964 (Ref. 51). Among 159 patients with positive neomycin patch tests seen between 1963 and 1964, only 115 were able to give a precise account of using a neomycin-containing preparation. In England in 1963, neomycin sensitivity was found in 4 percent of patients with contact dermatitis (Ref. 52).

In 1969 a study by the International Contact Dermatitis Research Group with membership from the United States and several European countries revealed a 3.7 percent prevalence of neomycin allergy among 4,825 patients with contact dermatitis (Ref. 53). The prevalence of neomycin allergy varied from country to country and was thought to reflect varying frequency of consumer exposure to topical neomycin. In the United States, the true prevalence of neomycin allergy remains unknown. The only study testing for neomycin sensitivity in people in the United States without contact dermatitis or other skin problems, demonstrated neomycin sensitivity in 8 percent of 100 people patch tested (Ref. 54).

The apparent prevalence of neomycin sensitivity in recent years probably reflects increasing consumer use of topical neomycin with increased opportunity for sensitization. In the United States, neomycin-containing products have become the most widely used topical antibiotics (Ref. 55). In 1966 Stoltze observed: "The large number of positive reactions to neomycin corresponds to the widespread use of neomycin-containing ointments (neomycin/bacitracin mixtures) during the past 10 years, and during the past 5 years in the form of steroid ointments containing neomycin" (Ref. 56). In addition to being in these ointment and cream products, neomycin has also been present in certain cosmetics and deodorants (Ref. 57).

The type of commercial product containing neomycin sulfate used probably influences the resulting frequency of allergic sensitization to neomycin. In Denmark (Ref. 51) neomycin in ointment vehicles caused 77 percent of the cases of allergic sensitization, while cream, lotions, powders, and eyedrops accounted for only 22 percent of cases. At that time (1968), ointments comprised just under half of the total amount of topical neomycin sold in Denmark. The authors in the above study recommended that neomycin not be prescribed in an ointment vehicle (Ref. 51). In the United States, at the present time, ointments are the predominant neomycin-containing commercial products available in the OTC market (Ref. 58).

The initial development of allergic contact sensitivity to neomycin usually occurs after repeated use of topical medication containing neomycin. Skin conditions commonly predisposing to prolonged use of neomycin include hand eczema, external otitis (inflammation of the external ear canal) (Ref. 59), stasis dermatitis, and stasis leg ulcers associated with varicose veins. The presence of infected dermatitis predisposes patients to develop allergic contact sensitivity to medications (Ref. 55). Positive patch tests to neomycin and other substances are particularly common in patients with stasis dermatitis and stasis leg ulcers (Refs. 60 and 61). In contrast, positive patch tests to neomycin are much less common in patients with atopic dermatitis (Ref. 60).

The internationally accepted concentration of neomycin used in patch testing is 20 percent neomycin sulfate in petrolatum base (Ref. 6). While this concentration is markedly higher than the 0.5 percent concentration of neomycin found in OTC products, it is apparently necessary in order to produce absorption of neomycin through the intact normal skin which is always used in patch testing (Ref. 62). Neomycin is so poorly absorbed through intact skin that no detectable concentrations of neomycin were found in the blood or urine of normal volunteers who were covered with 0.5 percent neomycin ointment for 6 hours (Ref. 63).

The concentration of neomycin used in patch tests has been controversial. Some authorities use 30 to 50 percent (Ref. 55), while others believe that the concentration should be much less than 20 percent (Ref. 64). The Panel recognizes the limitations of this system, but concludes that it is presently the best test system available for identifying allergic skin disease. However, neomycin is very easily absorbed through broken skin damaged by dermatitis, inflammation, or trauma. Some studies have deliberately broken the skin through scratching (scarification) prior to patch testing to assure absorption of neomycin through the barrier layer of skin (Refs. 62 and 65). Other studies have by-passed the barrier layer by injecting neomycin directly into the dermis through the technique of intradermal testing (Refs. 44, 45, 62, and 66). Although intracutaneous injections of 1.0 percent neomycin have been used for testing neomycin allergy in the past (Ref. 44), the Panel concludes that this method is not valid for determining neomycin sensitization. Neomycin has been reported to induce mast-cell degranulation in guinea pigs at the site of injection, with resulting histamine release and development of a dermal papular (hive-like) reaction (Ref. 67). This work has not been repeated in animals nor in humans. The Panel has concluded that this phenomenon and observations concerning it are probably not relevant to neomycin sensitization. Today, intracutaneous testing with 1 percent neomycin is not a usual or customary clinical test.

For a positive neomycin patch test to be considered valid, subsequent application of a commercial product containing neomycin must produce dermatitis in the same individual. Presumably, for absorption of neomycin to have occurred and triggered development of an allergic reaction, a neomycin product must have been applied to skin already damaged by preexisting dermatitis, ulcerations, or traumatic injuries. This may happen inadvertently when a patient previously sensitized to neomycin applies a neomycin-containing product to an area of dermatitis.

The Panel is aware of conflicting medical opinion as to the significance and severity of neomycin sensitization. In spite of the fact that neomycin is a recognized sensitizer, adequate data are not available to predict the sensitization potential of this antibiotic.

The Panel also concluded that a study to determine the sensitizing potential in a random population sample taken from the population at large should also be performed. This should be one of the several adaptations of the Kligman Maximization Test (Ref. 68). Earlier studies of sensitization potential have used limited populations, i.e., restricted in terms of age, sex, and race. The results of this study must be evaluated before neomycin can be considered for Category I. Physicians who favor continued OTC use of neomycin generally believe that the application of neomycin to small cuts and abrasions will most likely not lead to allergic sensitization (Ref. 64). They call attention to the fact that most studies demonstrating significant prevalence of neomycin sensitivity involve patients with prior dermatitis, and they believe that proper package labeling of neomycin products can guard against improper use of neomycin in such conditions. In 1963 Epstein and Wenzel stated: "Proper awareness of the possibility of sensitization, especially in infectious eczemas, appears to us adequate to prevent serious and prolonged disability from neomycin sensitivity (Ref. 47)."

In contrast, physicians who favor removal of neomycin from OTC products believe that neomycin presents an unjustifiably high risk of sensitization to the consuming public, no matter how it is applied. They feel that even if the resulting contact dermatitis in sensitized individuals is mild, and clears rapidly after neomycin is discontinued, the consumer should not be exposed to the resulting discomfort and potential disability. They also point out that neomycin sensitivity occasionally may result in severe reactions, as documented by Kirton and Munro-Ashman in 1965: "Thirty-nine patients said they were worse with neomycin, and occasionally the reaction was so severe that they were admitted to hospitals as emergencies (eight cases). One patient nearly died of exfoliative dermatitis as a result of his sensitivity" (Ref. 69).

Allergic sensitization to neomycin is of further concern due to possible development of cross-sensitization to structurally related chemicals. Cross-sensitization refers to induction of allergic contact dermatitis by one or more closely-related chemicals following initial sensitization to a different chemical of similar structure. Neomycin is one of several structurally-related aminoglycoside antibiotics presently marketed or under investigation for possible future marketing.

Cross-sensitization, as indicated by patch testing, has been well-documented among several types of aminoglycoside antibiotics. In 1958, cross-sensitization between neomycin and streptomycin was found in 8 patients originally sensitized to neomycin (Ref. 65). In 1962 cross-sensitivity between neomycin and paromomycin was found in 97 percent of 29 patients initially sensitized to neomycin (Ref. 70). In the same study, cross-sensitivity between neomycin and kanamycin was found in 58 percent of the 29 patients (Ref. 70). In 1965, cross-sensitivity between neomycin and framycetin was reported in 45 patients (Ref. 69). Cross-sensitivity between neomycin and gentamicin has been demonstrated in two separate studies in 1967 and 1973 (Refs. 71 and 72). The first study found 40 percent cross-sensitization in 100 patients (Ref. 71) while the second study found 55 percent gross-sensitization in 20 patients (Ref. 72). In 1973 cross-sensitization was also demonstrated between neomycin and butirosin in 90 percent of 20 patients (Ref. 72).

The possible implication of the above cross-sensitization (allergic reaction) data is of concern to the Panel. Recognizing the widespread use of topical neomycin, to what extent will induced neomycin allergy preclude future therapy with other potentially life-saving aminoglycoside antibiotics?

The Panel received a submission from a prominent dermatologist (Ref. 73). In the submission were responses from some members of the North American Contact Dermatitis Group to a communication which, regrettably, was based on a misconception of the Panel's belief as to the degree of possible allergic reaction of the general population to neomycin preparations.

At no time did the Panel express a belief that "6% of the population using 0.5% neomycin-containing preparations on minor cuts, abrasions, burns, etc. will get a contact dermatitis" as is stated in the submission.

Each of the respondents to the submission agreed, as does the Panel, that more studies and data are needed. The work of the North American Contact Dermatitis Group (Ref. 48) had been previously scrutinized by the Panel, and the fact that this study was conducted in a group of subjects with allergic skin disease had been noted. Clearly, one is unable to draw inferences applicable to a general population from this study of special patients. It is precisely this lack of prevalence and incidence data for the general population that has led the Panel to conclude that such information is required to accurately assess the risk of neomycin allergy. It is probable that the prevalence of neomycin allergy in the general population will be lower than that reported by the North American Contact Dermatitis Group for allergic patients.

Valid epidemiological studies designed to determine the prevalence of neomycin allergy in the general population are required to quantitate the risk of this ingredient. While, ideally, an incidence study would be most informative, it would probably not be feasible to conduct at a reasonable cost. A prevalence study would be more feasible and not unreasonably expensive. The aim of such a study would be to determine the frequency of allergic reactions to neomycin applied topically. A representative sample of the general population would have to consent to be skin-tested, and age, race, and sex-specific prevalence rates determined. This will give an estimate of the amount of neomycin sensitization currently present in the general population; however, it tells nothing of incidence (number of new cases of neomycin sensitization occurring over time). Furthermore, prevalence is determined by the duration and persistence over time of the allergic reaction. If such allergic reactions are very persistent, prevalence will be higher than if these reactions are of short duration.

Incidence and prevalence are terms that are easily confused; therefore, the Panel has defined them as follows: Incidence is the number of new cases of disease (for example, neomycin allergy disease) occurring in a defined population during a given time period. Incidence is express as a rate:

$$\frac{\text{Numbers of new cases of a disease in a year}}{\text{Numbers of persons in population}} \times K$$

(K=a constant of 10,000 or 100,000); and prevalence is the number of cases of a disease that exist at one point in time in a defined population. This is a cross-sectional measure rather than the longitudinal measure which is the case with incidence. Prevalence is expressed as a rate:

$$\frac{\text{Number of cases of neomycin allergy detected in a defined population as part of a survey conducted at a specified time}}{\text{Numbers of persons in population}} \times K$$

Whether or not "general" population prevalence or incidence figures can be inferred from a prevalence or incidence study depends on the representativeness of the population studied.

(2) *Effectiveness.* Experience with topical use of neomycin ointments, creams, lotions, and aqueous solutions in treating skin infections has been reported in many journals since 1951. Most reports lacked controls, and many lacked adequate bacterial cultures, with results based primarily on undocumented clinical impressions. The following discussion does not include the use of neomycin in combination topical antibiotic products, to be discussed later in this document.

In 1951 Falk and Allende (Ref. 74) used neomycin ointment or aqueous solution in 30 patients with various skin infections, with good results in 15 and moderate results in 14 cases. No controls or cultures were included in the report and no differentiation was made between

results with different bases. In 1952 Kile et al. (Ref. 75) treated 652 patients with assorted skin infections with neomycin cream, ointment, ophthalmic ointment, or wet dressings. Bacterial cultures were done only on 151 patients. Results were reported as good in 233, moderate in 357, and poor in 62 cases. No controls were included in the study. The ointment was thought to be more effective than the cream, although no differentiation between bases was made in reporting results. Forbes (Ref. 76) in 1952 also reported that neomycin ointment was superior to neomycin cream in treating 115 patients with various skin infections. Results were good in 66, moderate in 33, and poor in 16 cases. Bacterial cultures were included for a majority of cases, but no controls were reported in the study. In 1952 Livingood et al. (Ref. 77) reported treating 203 patients with skin infections with neomycin in ointment, aqueous solution, or water miscible base. Results were reported as good in 131, moderate in 33, and poor in 39 cases. Bacterial cultures with in vitro susceptibility studies indicated that neomycin was effective against staphylococci, *Pseudomonas*, and *Proteus* organisms encountered, but not effective against streptococci. Hemolytic streptococci were found in 7 lesions which did not heal. No controls were included in the study, and no differentiation between various bases was made in reporting results.

Forbes (Ref. 78) in 1953 used neomycin lotion to treat 126 patients with skin infections, with results reported as good in 62, moderate in 50, and poor in 14 cases. Cultures were included, showing 81 percent to have pathogenic staphylococci. No controls were included. In the same study, 209 patients with small postoperative electrodessicated wound sites (dehydrated tissue due to high frequency electric current) were treated prophylactically with neomycin lotion to prevent infection, with no infection being encountered.

In 1954 Robinson (Ref. 79) reported the combined experience of 4 dermatologists using topical antibiotic ointments in 5,000 patients with assorted pyodermas. In this general review without statistical data, neomycin was felt to be the topical antibiotic of choice for treating skin infections such as impetigo, ecthyma, and secondarily infected skin diseases. In 1954 Church (Ref. 80) used neomycin ointment and cream to treat 87 cases of skin infection with results reported as good in 50, moderate in 25, and poor in 2 cases. Among impetigo cases, 27 of 45 cleared in the first 7 days. Ointment and cream preparations of neomycin were felt to be equally effective in clearing infections, but no differentiation between bases was made in reporting results. All cases of infection were cultured before treatment, but no controls were included in the study.

In 1956 Forbes and King (Ref. 81) used neomycin lotion to treat miliaria ("prickly heat") in infants and young adults, with good results in 30 and moderate results in 13 cases. Use of the vehicle alone in five patients did not produce clearing. Lyons and Hunt (Ref. 82) treated 91 cases of miliaria rubra in a double-blinded study comparing neomycin lotion and lotion base alone. Both groups improved objectively and subjectively in 48 hours, but the clearing time of skin lesions was approximately 2 days shorter in the neomycin-treated group. Although this double-blinded study showed apparent superiority of neomycin over lotion base alone, the significance of this finding is difficult to interpret. The etiology of prickly heat is unknown and may, or may not, be related to bacterial infection. The Panel therefore concludes that this study is not relevant to the OTC application of neomycin to small cuts, wounds, burns, or abrasions.

In 1967 Farah et al. (Ref. 83) used neomycin ointment to treat 44 patients with superficial skin infections. Results were good in 22, moderate in 16, and poor in 6 cases. In the same study, gentamicin cream was used in treating skin infections in 84 patients. After 5 days of treatment, good results were seen in 71.4 percent of gentamicin-treated cases and 50 percent of neomycin-treated cases. With longer treatment periods, good results were almost identical in the two groups, with clearing of 86 percent of neomycin-treated group and 88 percent of gentamicin-treated cases. Cultures with antibiotic susceptibility testing were included, but no control ointment or cream was used. Keeping the above study in mind, the 1974 report of Zaynoun et al. (Ref. 84) becomes noteworthy, in which gentamicin cream and placebo cream were used in a double-blinded manner to treat 46 patients with skin infections. Each patient used hexachlorophene scrubs in addition to either gentamicin cream 0.1 percent or placebo cream. After 1 week, good results were seen in 52 percent of the gentamicin-treated group and 48 percent of the placebo-treated group, with no statistical difference between the two treatments. Neither treatment totally prevented the development of new lesions. Bacterial cultures of all cases showed that all bacteria recovered were sensitive to gentamicin. The authors concluded that topical antibiotics should not be used to treat skin infections since they are frequently ineffective. Although gentamicin is not currently under review for OTC topical use, the Panel concludes that the above study is relevant to the present report regarding the use of topical antibiotics in general. It is one of the few controlled studies which compares the use of a topical antibiotic to use of its base alone. The Panel concludes that the study raises serious questions about the clinical effectiveness of topical antibiotics in general for the treatment of superficial skin infections.

In 1951 Reiss and Pulaski (Ref. 85) studied the effect of neomycin ointment on 50 infected burns healing with granulation. Control burns, presumably on the same patients, were treated in a double-blinded manner with plain petrolatum. Cultures showed no alteration in bacterial flora of either group after neomycin treatment despite sensitivity of 80 percent of cultured organisms to neomycin. Formation of pus was the same in neomycin-treated burns as in control burns treated with petrolatum. No difference in healing time was noted subjectively between the two groups, although no objective appraisal of healing time was given. It was concluded that neomycin ointment did not eradicate pathogenic organisms any better, nor promote healing of granulating burns any faster, than did the placebo ointment. The Panel concludes that this carefully controlled study raises serious doubts about the effectiveness of neomycin ointment compared to the ointment base alone. The study also raises questions about the necessity of eliminating pathogenic bacteria from superficial wounds to promote healing.

Neomycin aqueous solution has been used in treating orthopedic surgical wounds. In 1968 Nachamie et al. (Ref. 86) reported a controlled study performed over 28 months in which wounds were irrigated with either saline solution alone or neomycin solution 0.1 percent plus saline solution. During each alternate month, neomycin was used in every surgical wound. Over the 28-month period neomycin was used in 219 of 466 surgical cases. No statistically significant difference in the incidence periods, with infections developing in 5.1 percent of neomycin-treated wounds and 4.4 percent of control wounds. Although the wounds in the study are very different from superficial skin wounds and the aqueous base is not under consideration for OTC use, the Panel concludes that this controlled study is relevant to the present review as it raises questions about the clinical effectiveness of topical neomycin sulfate when compared to its vehicle alone.

(3) *Dosage*. Topical ointment dosage, for both adults and children, should be not less than 5 mg neomycin sulfate per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling*. The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV, paragraph B.1. above—Category I Labeling). In addition, the Panel recommends the following specific labeling: "Do not use for burns, diaper rash or heat rash which cover large areas of the body."

(5) *Evaluation*. The Panel concludes that neomycin requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. In addition, further safety data are required to evaluate allergic sensitization and bacteria resistance. (i) *Allergic sensitization*. The Panel concludes that studies should be performed to determine the incidence and/or prevalence of neomycin sensitization in the population at large. Considering the potential benefit-to-risk, and considering the type of reaction resulting from this type of sensitization, the Panel recommends that if more than 0.1 percent of the population at large is

found to be sensitized to neomycin, it should be moved to Category II for reasons of safety. If less than 0.1 percent of the population at large is sensitized to neomycin, the Panel recommends that neomycin be placed in Category I for safety.

(ii) *Clinical effectiveness.* The Panel concludes that there are insufficient controlled data presently available to evaluate the clinical effectiveness of topical neomycin sulfate. There were virtually no controlled studies documenting that any formulated topical product containing neomycin sulfate as the only active ingredient was statistically any better than the product vehicle (base) alone. To the contrary, the controlled studies by Reiss and Pulaski (Ref. 85) and Nachamie et al. (Ref. 86) suggested that at least some topical neomycin sulfate preparations were not superior to their vehicles alone.

The Panel recognizes that some evidence from uncontrolled studies presented above suggests that topical neomycin sulfate may be helpful in preventing and treating superficial skin infections. The Panel also recognizes that differences of opinion exist as to the relative merits of these studies, and appreciates the many difficulties inherent in attempting to scientifically document clinical effectiveness. However, the Panel was not willing to accept uncontrolled clinical studies as proof of clinical effectiveness, even if adequate bacterial cultures are included in the study.

The Panel concludes that further double-blinded, randomized, controlled clinical trials are necessary to evaluate the clinical effectiveness of neomycin sulfate. If controlled studies indicate that neomycin ointment or cream is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, the Panel concludes that neomycin sulfate should be moved to Category I for effectiveness.

(iii) *Bacterial resistance.* The Panel is concerned that a continued widespread use of neomycin sulfate on superficial skin conditions may result in an increasing antibiotic resistance of the skin staphylococci in the general population. This could have a deleterious effect in systemic staphylococcal infections where the organisms are already resistant to neomycin and cross-resistant to the other aminoglycoside antibiotics which could be used for the more serious systemic infections of life-threatening type.

The previous epidemiologic history of neomycin resistance illustrates that changes in resistance patterns do occur uniformly, and that a long period of time may be observed in which only sensitive strains are found in the face of widespread antibiotic use. These findings in no way guarantee freedom from the widespread development of resistant strains at a future date. Enough evidence has accumulated in the last 25 years to predict that with increasing use of any antibiotic, particularly on the body surface with the interaction with staphylococci, the resistance pattern will probably follow that of neomycin. Therefore the Panel concludes that continuing, on-going analyses of the susceptibility profile are required when antibiotics for topical use are proposed. Refer to in vitro testing as described in the guidelines elsewhere in this document. (See part VI. paragraph B.2.a. below—In vitro testing).

In summary, the Panel concludes that neomycin sulfate may be reclassified from Category III to Category I only if all of the following criteria are satisfied:

(a) Sensitization to neomycin is found to occur in no more than 0.1 percent of the population at large in a properly designed prevalence study of sufficient size of a representative sample of the general population.

(b) Updated bacteriologic surveys indicate that the susceptibility of staphylococci isolated from lesions in the general population do not show rapidly increasing resistance to neomycin or related aminoglycoside antibiotics.

(c) Controlled clinical studies indicate that neomycin sulfate used topically is significantly more effective than the vehicle alone in preventing and/or treating infections in superficial skin wounds.

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d. *Polymyxin B sulfate.* The Panel concludes that polymyxin B sulfate is safe when in the concentration used as a skin wound antibiotic for application on small areas of the body. However, there are insufficient effectiveness data to permit final classification as a skin wound antibiotic. It should be fully understood that the Panel concludes that polymyxin B sulfate should not be used alone as a single antibiotic ingredient in a topical preparation for skin wounds. Since most infections of the skin are caused by gram-positive organisms, and since polymyxin B is not effective against gram-positive organisms, it is the judgment of the Panel that if it were to be used alone in topical antibiotic preparations it could not be generally recognized as effective because of its limited spectrum. In an acceptable combination product, however, polymyzin B sulfate could be included to significantly broaden the antibacterial spectrum and thereby improve the potential effectiveness of such a combination product.

The five polymyxins—A, B, C, D, and E—are produced by the soil bacterium, *Bacillus polymyxa* (British *B. aerosporus*). They were discovered in 1947 in both England and the United States. Due to the toxicity of the others, polymyxin B has been the one generally used in the United States and the only one certified. Polymyxin E (colistin) has been more widely used in Britain (Ref. 1).

Chemically, the polymyxins are polypeptides with molecular weights of about 1,100. Polymyxin B, as the hydrochloride or sulfate, is water-soluble and is stable at 60° C for 1 hour. Commercial preparations of polymyxins B and E are 65 to 75 percent pure. The unit of polymyxin, based on a theoretical potency of 10,000 units/mg of pure drug, is 10 units/mcg (Ref. 1).

The polymyxins are active against gram-negative rods but are usually not active against Proteus species. Polymyxins are strongly bactericidal. Since their action is on the bacterial cell membrane with subsequent disruption of osmotic properties, the increase in permeability leads to escape of large molecules essential to cellular functions, ultimately causing bacterial cell death. The mode of action is cell wall disruption, increasing bacterial absorption of the antibiotic. The action is bactericidal at all levels of antibiotic and resembles that of chemical disinfectants. There is some evidence

that its activity is inhibited by serum (Ref. 2).

The polymyxins are strongly protein bound. They do not penetrate the cell wall and are most effective if high levels of drug are in direct contact with gram-negative cells and do not have to penetrate a tissue barrier. Polymyxin at the tissue site is strongly absorbed by cell debris and by purulent material (Ref. 1).

Five mcg/ml of polymyxin is considered to be active against *Aerobacter*, *Klebsiella* and *Pseudomonas*. Resistant strains do occur.

Polymyxin activity is selective against gram-negative organisms including: *Escherichia* and *Enterobacter*. Against *Pseudomonas aeruginosa*, the polymyxins are more effective by weight in vitro than any other antibiotic. Most strains are inhibited by 8 mcg/ml or less of Polymyxin B or E. *Neisseria*, *Proteus*, and *Brucella* are resistant. *Shigella*, *Salmonella*, and *Hemophilus* may be sensitive in vitro, but no evidence of clinical effectiveness has been produced. Polymyxins are not active against gram-positive organisms.

There is some evidence of synergism with the tetracyclines and chloramphenicol (Ref. 1).

Resistance to polymyxins develops slowly. Polymyxins B and E show complete cross-resistance (Ref. 1).

The polymyxins should be considered as active against only gram-negative organisms such as the coliforms and Pseudomonas, and have no activity against the gram-positive organisms such as the micrococci, staphylococci or streptococci found on the skin surfaces as transients, residents, or pathogens.

(1) *Safety*. Though there is very little basic toxicological data available on the polymyxins, it can be stated that the acute toxicity of the several polymyxins appears to be similar. Much of the data concerning the toxicology of the polymyxins have been detailed in the monograph by Jawetz (Ref. 1) and the chapter by Manten (Ref. 3). The following summary is extracted from these sources.

When administered intravenously to mice, the LD_{50} of polymyxin B is approximately 6.1 mg/kg with death resulting in a few minutes from respiratory failure (Ref. 1). In fact, polymyxins are known to have a neuromuscular blockage effect in models designed to test such systems (Ref. 3). When given by the intraperitoneal route, the acute LD_{50} in mice is 12.1 mg/kg and is 82.5 mg/kg by subcutaneous injection. Symptoms leading to respiratory failure include weakness of limbs, shivering, and convulsion, all indicating a neurotoxic effect (Ref. 1).

In dogs, the intravenous administration of 1 to 3 mg/kg of polymyxin B resulted in a temporary depression of kidney function. Doses of 2.5 mg/kg given intramuscularly daily for 2 to 6 weeks in dogs resulted in transient depression of tubular (kidney) function (Ref. 1).

Topical application of polymyxin in low concentration (0.1 percent) apparently does not cause irritation to mucous membranes or granulating surfaces. Polymyxin is reported to be poorly absorbed after oral administration (Ref. 1). One report (Ref. 4) stated that no significant blood or urine levels could be obtained after topical application to large burns. Polymyxin blood levels of 15 mcg/kg in human patients have resulted in marked nitrogen retention. Jawetz and Coleman (Ref. 5) also found that patients whose serum levels were between 1 and 4 mcg/ml showed no alteration of nonprotein nitrogen. Since the major route of elimination is via the kidney, it has been suggested that in patients with preexisting impairment of renal function, doses of 1.5 mg/kg/day or less may result in additional depressed kidney function.

In view of the above summary, it is the judgment of the Panel that when polymyxin B sulfate is applied to intact skin, there is no evidence of a potential hazard from its use. When polymyxin B sulfate is applied to large areas of broken, denuded, or diseased skin, there are less firm data on which to base a sound scientific judgment concerning potential toxicity. In fact, there is only the one report (Ref. 4) that indicated polymyxin B was not absorbed to a significant degree from large burn areas.

It is the view of the Panel that when polymyxin B sulfate is applied to small cuts, abraisons, or burned areas, the amount of polymyxin B sulfate that could be expected to be absorbed into systemic circulation is far below the level that has been demonstrated to cause signs of toxicity in animals. The Panel feels that is no need for further basic toxicological studies on the polymyxins when formulations containing them are applied to small areas of broken skin. There would be concern for safety if large areas of broken skin were exposed to continued medication with ploymyxin B sulfate and/or if large areas of skin were occluded.

POLYMYXIN ALLERGY

The Panel has reviewed the literature in regard to the allergenicity of topical polymyxins. The literature does not indicate that polymyxin B sulfate is a significant cause of allergic skin disease. Members of the North American Contact Dermatitis Group, polled informally, supported this judgment (Ref. 6). While there are occasional, isolated case reports of possible allergy to topical polymyxin B, the reported prevalence is so small as to be considered inconsequential.

(2) *Effectiveness*. Clinical use of topical preparations containing polymyxin B as a single antibiotic has not been extensive, with most reports dating from 1949 to 1952 (Refs. 4 through 10). Polymyxin B sulfate as a single antibiotic agent has been used in solutions, sprays, creams, ointments, and jelly bases.

In 1949 Pulaski et al. (Ref. 7) in a preliminary, uncontrolled report indicated that polymyxin B, 1.0 percent in salt solution or carbowax base, was effective in eradicating *Pseudomonas aeruginosa* from infected granulating wounds if devitalized tissue were not present. In 1951 Jackson et al. (Ref. 4) used polymyxin E in a controlled study to treat burns infected with Pseudomonas. Alternate patients received therapy consisting of combinations of polymyxin E cream 0.1 percent and polymyxin E spray solution 0.1 percent or placebo cream and placebo spray. Polymyxin E significantly decreased the number of positive culture sites after 3 to 7 days. In the same study, prophylactic use of polymyxin spray and cream on patients in burn wards resulted in marked reduction of new Pseudomonas infections, with infection developing in only 7 percent of polymyxin treated patients in contrast to 24 percent of control patients. Use of polymyxin also resulted in fewer skin graft failures and shortened healing times of skin grafts by approximately 3 weeks. It was concluded by the authors that polmyxin 0.1 percent in cream base or spray can protect most burns against infection by Pseudomonas (Ref. 4). No mention was made of using polymyxin in an ointment base, which is the only form in which polymyxin is currently marketed OTC.

In 1952 Jawetz and Coleman (Ref. 5) used polymyxin solution 0.5–1.0 mg/ml to treat nine cases of surgical wound infections and four cases of chronic otitis media (infected ears). Continuous wet dressings and frequent instillation of polymyxin solution into wounds or ears inflamed with *Pseudomonas* resulted in prompt healing in most cases. While this study seemed promising, it had no controls and only a very small number of cases. No mention was made of using polymyxin in either ointment or cream base.

In 1952 Gastineau and Florestano (Ref. 9) used polymyxin ointment containing 8,000 units per gm of base experimentally in rabbits to treat 1.5 centimeter-circular wounds infected with either single cultures of *Proteus*, *Pseudomonas*, *Staphylococcus aureus*, or B-hemolytic streptococci, or mixed cultures of *Pseudomonas* and *Staphylococcus aureus*. The ointment eradicated *Proteus* and *Pseudomonas* but not staphylococci or streptococci. When polymyxin was combined with bacitracin 400 units per gm of ointment base, all bacteria appeared to be removed from the wounds. No wounds were treated with ointment base alone.

In 1961 Mulla (Ref. 10) in a double-blinded controlled study attempted to evaluate the effectiveness of topical polymyxin jelly in preventing urinary tract infections associated with bladder catheterization. Either control jelly or polymyxin jelly containing 5,000 units of polymyxin per gm of base was applied to the urethra and catheter tip prior to catheterization, and every 6 hours while the catheter was in place. Although fewer cases of bladder infection and bacteria in the urine occurred in the polymyxin-treated group than in the control group, the difference was not significant. The study considered only polymyxin in jelly base, which is not available commercially, and is not considered relevant by

the Panel for evaluation of currently used OTC topical antibiotics.

(3) Dosage. Topical ointment dosage, for both adults and children, should be 4,000 to 5,000 units of polymyxin B per gm of finished ointment dosage form when used in combination. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface area of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) Labeling. The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV, paragraph B.1. above—Category I Labeling.)

(5) Evaluation. The Panel concludes that polymyxin B requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. Polymyxin B sulfate appears to be a safe antibiotic for OTC use, with no evidence that toxicity would result from use of polymyxin products on small wounds. The Panel further concludes that polymyxin B surfate should never be used as the sole active ingredient of a topical antibiotic product since its spectrum of activity is limited to gram-negative bacteria not frequently found in superficial skin infections. The Panel urges that further investigative work on polymyxin B sulfate be undertaken to show effectiveness when in a combination product. If such prophylactic and/or therapeutic effectiveness of polymyxin B is demonstrated in controlled clinical trials involving minor skin wounds, polymyxin B sulfate should be reclassified as Category I.

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e. *Tetracyclines (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride)*. The Panel concludes that while the tetracyclines are safe in the concentrations used as a skin wound antibiotic for application on small areas of the body, there are insufficient effectiveness data to permit final classification as skin wound antibiotics.

The first of the tetracyclines was discovered in 1948. A series of antibiotics isolated from *Streptomyces* species have been referred to as the tetracyclines or the tetracycline group. This refers to their chemical structure consisting of four, six-membered (cyclic) rings having slight modifications on the rings with chloro- or oxy-groupings. Thus the names tetracycline, chlortetracycline and oxytetracycline have been developed. The change or loss of the groupings can modify their chemical activity and their antibiotic activity.

They are yellow, crystalline, amphoteric chemicals. Chlortetracycline is very unstable at alkaline or neutral pH, while oxytetracycline and tetracycline are both stable. Chlortetracycline activity is lost overnight in broth at pH 7.4. All of these antibiotics have a broad spectrum activity against gram-positive and gram-negative organisms *Rickettsia*, *Chlamydia*, *Treponema*, and *Mycobacterium*. The higher fungi are resistent except that *Actinomyces* show susceptibility. Chlortetracycline is most active against the gram-positive cocci. Oxytetracycline shows some activity against *Pseudomonas* and *Proteus*. Resistance has developed in the coliforms, staphylococci, streptococci, peneumococci, and the gas-gangrene clostridia.

Chemically, there are minor variations in their basic structures and they can be further modified, for example, to increase solubility. Stability varies among members of the group.

They are considered bacteriostatic and their mode of action is interference with protein synthesis in bacterial cells (Ref. 1). Specifically, they inhibit metabolism by blocking attachment of aminoacyl transfer RNA to ribosomes. The tetracyclines are also active chelating compounds, forming unions with divalent and trivalent cations, and can thereby interfere with enzymes that require such cations as cofactors. They activity also appears to interfere with the phosphorylation of glucose.

A wide antibacterial spectrum is demonstrated by all of the analogues and includes activity against many gram-positive and gram-negative organisms. They are active against the B-hemolytic streptococci, *Escherichia coli*, meningococci and gonococci and *Hemophilus* species. However, most *Proteus* and *Pseudomonas* species are resistant.

Resistance to these antibiotics has been reported in many strains of staphylococci and streptococci and a few strains of pneumococci, salmonellae, shigellae, and *Escherichia coli*. It often develops rapidly in organisms of the *Klebsiella/Aerobacter/Enterobacter* group and *Escherichia coli*. Cross-resistance is usually complete, but there are some exceptions.

(1) Safety. When the tetracyclines are administered orally or parenterally in large doses, local tissue irritation may occur (Ref. 1). Thrombophlebitis may occur if a single vein is used for repeated infusions (Ref. 1). Large intravenous infusions of tetracycline have induced liver damage, which is believed to result from serum levels of tetracycline exceeding 16 mcg/ml (Ref. 2). Liver damage is a special hazard in pregnant women following large oral or parenteral doses.

Systemic tetracycline therapy when administered to pregnant women or children may result in yellowish brown discoloration of the children's teeth. Severity of the discoloration increases with increased dosage and prolonged administration (Ref. 1).

In view of the long history of oral administration of tetracycline to millions of patients for conditions such as acne vulgaris, upper respiratory infections, and other infectious diseases with minimal toxicity or side effects, the Panel concludes that no toxicological hazards would result from topical application of tetracycline hydrochloride to small wounds, abrasions, burn or skin infections. Therefore, further toxicological examination of tetracycline hydrochloride is unnecessary.

TETRACYCLINE ALLERGY

Tetracyclines applied to the skin have been considered harmless, based on the scarcity of reports of induced eczematous reaction of either the primary irritant or sensitization type. Occasional cases of contact dermatitis of the mouth from use of tetracycline lozenges have been reported, possibly induced by coloring or flavoring agents (Ref. 3). Transitory yellowish discoloration of the tongue has also occurred following systemic tetracycline therapy, but this is not an allergic reaction.

Cases of allergic contact dermatitis following use of topical tetracycline creams or ointments may result from sensitivity to parabens or other preservatives, or to azo dyes, rather than to the tetracycline itself. Dohn in 1960 (Ref. 4) comprehensively discussed the problem of contact dermatitis from topically applied tetracycline. A more recent paper by Bojs and Moller (Ref. 5) reports three cases of sensitivity to topical tetracycline with cross reactions between oxytetracycline, tetracycline, and methacycline. With only a few reports available for review, even after many years of consumer use, the Panel concluded that allergic sensitization to topically applied tetracycline is not a significant problem.

(2) Effectiveness. Tetracycline ointments were used extensively in uncontrolled clinical trials during the early 1950's. Three types of tetracycline ointments were evaluated: Chlortetracycline hydrochloride ointment, oxytetracycline hydrochloride ointment, and tetracycline hydrochloride ointment. In each oint-

ment the concentration of tetracycline was 3 percent.

(i) *Chlortetracycline hydrochloride.* The use of chlortetracycline hydrochloride ointment in over 900 patients is documented in 9 papers appearing between 1950 and 1952 (Refs. 6 through 14). Robinson and Robinson (Ref. 6) treated 304 patients with a wide variety of primary skin infections and secondarily infected skin diseases. Good results were reported in 270 patients, including 59 cases of impetigo, which cleared in 3 to 21 days. No cultures or controls were included in this study. In 1952 Sawicky et al. (Ref. 7) briefly reported treatment of 170 similar cases. Although all impetigo cases cleared within 7 days, improvement occurred in less than 50 percent of all other cases treated. No cultures or controls were included in the report. Solomons (Ref. 8) in 1951 treated 144 patients, with good results in 116 patients, including 53 of 55 cases of impetigo. Although many cultures were performed in this study, no controls were included and the numbers of each type of infection treated were too small for statistical analysis. Jordon (Ref. 9) in 1952 reported treatment of 143 cases of impetigo, ecthyma, folliculitis, and external ear infection with chlortetracycline ointment. Good results occurred in 129 patients, including 78 of 81 cases of impetigo which healed in an average time of 6 days. No cultures or controls were included in this study. In 1950 Hollander and Hardy (Ref. 10) used chlortetracycline ointment to treat 79 cases of skin infection, with good results in 60 patients. They also treated 57 minor surgical wounds prophylactically with chlortetracycline ointment, with good healing in all cases. No cultures or controls were included in the report. Also in 1950, Siegel and Schantz (Ref. 13) treated 50 patients with various acute and chronic skin infections. Results were good in 40 cases, including 10 cases of impetigo, and moderate in 9 cases. No cultures or controls were included.

In 1951 and 1952 chlortetracycline ointment was used to treat tropical ulcers in Africa by Ampofo and Findlay (Ref. 11) and Lasbrey (Ref. 12). These ulcers contained many types of microorganisms, including spirochetes, fusiform bacilli, and cocci. Most ulcers became less painful within 48 hours, and many ulcers completely healed within 2 weeks. Frequent cultures revealed disappearance of organisms from ulcers in 3 to 5 days. These two studies stood out as the only reports using chlortetracycline ointment in which cultures were consistently performed. However, no controls were included in either report. A single case report of sycosis vulgaris (beard folliculitis) by Saunders (Ref. 14) included a culture positive for *Staphylococcus aureus*, with dramatic clearing of facial pustules previously unresponsive to treatment. However, no control medication was included in the study, and one case cannot be regarded as statistically significant.

(ii) *Oxytetracycline hydrochloride.* Oxytetracycline hydrochloride ointment was used to treat over 2,600 patients between 1951 and 1955, as reported in six papers (Refs. 15 through 20). In a very small, uncontrolled study in 1952 Ampofo (Ref. 15) treated six tropical ulcers of the legs and feet with healing of all ulcers in an average time of 4 weeks. In a much larger study in 1953, Wright and Tschan (Ref. 16) treated 391 patients having superficial infections with oxytetracycline ointment. Good results occurred in 310 patients, including 82 of 90 cases of impetigo, which cleared within 7 days. In the same study, healing without infection occurred in 244 cases of postoperative minor skin wounds treated prophylactically with oxytetracycline ointment. No cultures or controls were included in this study.

In 1952 Reiss (Ref. 17) used oxytetracycline ointment to treat 55 patients with assorted skin infections. Good results were reported for impetigo and beard folliculitis, but not for external ear infections. In five paired-comparison studies on the face involving three cases of facial impetigo and two cases of beard folliculitis, the side treated with oxytetracycline ointment improved somewhat faster than the opposite side treated with either iodochlorhydroxyquin or ammoniated mercury ointments. Although these controlled studies were attempted, their number was too small to be significant and no attempt was made to compare the effect of oxytetracycline ointment to the ointment base alone.

Robinson et al. (Ref. 18) in 1953 reported the use of oxytetracycline ointment in 728 patients with various skin infections and secondarily infected skin diseases. Results were reported as good in 291 and moderate in 228 cases. Impetigo cleared in 3 to 12 days in 105 of 122 cases. No cultures or controls were included in this study. In 1955 Robinson (Ref. 19) reported a similar study with 1,016 patients with various skin infections with good results in 489 patients, including 165 of 191 impetigo cases. Moderate improvement was noted in an additional 379 cases. No cultures or controls were included in the report.

With the exception of the Ampofo study (Ref. 15), no bacterial cultures were documented in the above large clinical studies. Controls were also lacking with the exception of the paired-comparison studies attempted in five patients by Reiss (Ref. 17). In 1951 Reiss and Pulaski (Ref. 20) performed the only study with oxytetracycline ointment which was double blinded and well controlled. Using hospitalized patients with granulating wounds produced by penetrating missiles, the effect of oxytetracycline hydrochloride ointment on healing was compared with that of colored petrolatum. In 30 wounds treated with oxytetracycline hydrochloride ointment, susceptible organisms were eliminated in 24 to 72 hours, whereas in 20 control wounds treated with petrolatum the bacterial flora was unchanged. Although no objective appraisal of healing time was given, no subjective difference in healing time was observed between the 2 groups, despite elimination of pathogenic bacteria in only one group. The conclusion of the authors was that contamination of granulating wounds with common pathogenic bacteria did not significantly delay wound repair. The Panel concludes that this carefully controlled study raises doubts about the effectiveness of oxytetracycline ointment compared to the ointment base alone. The study also raises questions about the significance of the bacterial loads with particular reference to the numbers in relation to superficial wound repair. Although bacteria were apparently eliminated by the antibiotic ointment, healing time of the wound was obviously not shortened.

(iii) *Tetracycline hydrochloride.* The use of tetracycline hydrochloride ointment was documented mainly in 1955 in studies by Welsh and Ede (Ref. 21) and Robinson et al. (Ref. 22). Welsh and Ede reported complete clearing of various pyodermas in 156 of 160 patients with various skin infections. However, their results were difficult to interpret due to concurrent treatment with other agents such as systemic antibiotics and radiation therapy. No cultures or controls were included in the study. Robinson et al. (Ref. 22) treated 923 patients with various skin infections with good results in 421 and moderate results in 343 patients. Although cultures were performed in 100 cases, no controls were included. In a small study an investigator (Ref. 23) treated 13 cases of chronic beard folliculitis with tetracycline ointment, with improvement of all cases in 3 to 7 days. When treatment was stopped, the disease promptly recurred. No cultures or controls were included in the study.

(3) *Dosage.* Topical ointment dosage, for both adults and children, should be not less than 1 mg of chlortetracycline hydrochloride per gm of finished dosage form, and not less than 15 mg of tetracycline hydrochloride per gm of finished ointment dosage form. The amount applied should be sufficient to cover the affected area with a thin layer, not more than 0.5 gm (an amount equal to the surface of the tip of a finger), 1 to 3 times daily with no maximum daily dosage.

(4) *Labeling.* The Panel recommends the Category I labeling for skin wound antibiotic ingredients. (See part IV, paragraph B.1. below—Category I Labeling.)

(5) *Evaluation.* In summary, the Panel concludes that tetracycline hydrochloride requires controlled clinical evaluation to establish prophylactic and therapeutic effectiveness. Tetracycline hydrochloride appears to be a safe antibiotic for OTC use, with no evidence of either toxicity or sensitization hazards resulting from use on small areas of infected skin.

Some evidence based on clinical impressions presented above suggests that tetracycline hydrochloride ointment may be helpful in treating superficial skin infections. However, no controlled studies with statistically significant numbers of cases were presented to the Panel showing that tetracycline hydrochloride ointment was therapeutically superior to its ointment base alone in treating superficial skin infections. The only well-

controlled, double-blinded study by Reiss and Pulaski (Ref. 20) suggested that tetracycline hydrochloride ointment and ointment base alone (petrolatum) were of equal therapeutic effectiveness when applied to granulating wounds.

The Panel concludes that if controlled studies indicate that tetracycline hydrochloride ointment is more effective than ointment base alone in preventing and treating infections in superficial skin wounds, tetracycline hydrochloride should be reclassified as Category I. The Panel would also encourage controlled studies with the dosage forms such as creams for possible Category I status.

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V. PRODUCTS COMBINING MULTIPLE TOPICAL ANTIBIOTIC INGREDIENTS

A. GENERAL DISCUSSION

1. *Regulations.* a. The Panel requested an industry task force to survey all the available literature dealing with effectiveness of topical antibiotics. This group not only assembled such data, but in addition, presented very helpful summaries. This data has since been published (Ref. 1).

b. The Panel has followed the OTC drug review regulation (21 CFR 330.10(a)(4)(iv)) which states:

> An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate direction for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

c. The Panel concludes that, as a general principle, the fewer the ingredients, the safer and more rational the therapy. The Panel also concludes that the interests of the consumer are best served by exposing the user of OTC drugs to the fewest ingredients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness.

d. The Panel concludes that OTC drugs should contain only such inactive ingredients as are necessary for pharmaceutical formulation. These inactive ingredients should be clearly stated on the label as inactive ingredients.

REFERENCE

(1) Anderson, V., "Over-the-Counter Topical Antibiotic Products: Data on Safety and Efficacy," *Supplement to International Journal of Dermatology*, 15:1-118, 1976.

2. *Requirement of significant contribution.* The Panel has determined that each claimed active ingredient in the combination must make a significant contribution to the claimed effect. The only rationale for the combination of antibiotic ingredients for topical application is to significantly broaden the antimicrobial spectrum or compensate for difference in resistance. The Panel concluded that where a combination product is to be permitted, as discussed below, it is sufficient to demonstrate in well-controlled in vitro studies that each of the ingredients makes a significant contribution toward broadening the antimicrobial spectrum. The Panel recognizes that adequate technology does not exist at this time for establishing the optimal concentration of antibiotic in a topical preparation. However, it is desirable that attention be directed toward such a goal.

3. *Single active ingredients.* It is an established medical principle to give only those medications, preferably as single entities, necessary for the safe and effective treatment of the patient. This principle applies equally to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions. However, because many of the antibiotics reviewed have limited antimicrobial spectra, there is often a legitimate need for these claims of products to combine topical antibiotic ingredients to broaden the spectrum. However, these combinations must be within certain limits to be discussed below.

4. *Active ingredients not reviewed by the Panel.* Each claimed active antibiotic ingredient in a combination product must be an ingredient that has been reviewed by the Panel. If a product contains an active antibiotic ingredient that has not been reviewed by the Panel and consequently not found in this document, such ingredient is automatically classified as a Category II ingredient; i.e., it is not generally recognized as safe and/or effective. Appropriate animal and human testing and prior approval by FDA is required before a product containing such an antibiotic ingredient may be marketed.

5. *Antibiotic ingredients combined with nonantibiotics.* If a product contains a generally recognized safe and effective antibiotic ingredient (Category I), it may be combined with nonantibiotic ingredients provided:

a. The antibiotic ingredient remains generally recognized as safe and effective.

b. The nonantibiotic ingredient has been determined to be generally recognized as safe and effective by the appropriate OTC drug advisory panel.

c. The labeling indicates the intended pharmacologic effect(s) of all active ingredients.

d. The combination provides rational concurrent therapy for a significant portion of the target population.

No combinations of antibiotics and nonantibiotics were submitted or reviewed by the Panel. However, it is entirely conceivable that certain nonantibiotic ingredients such as corticosteroids, judged by another Panel to be generally recognized as safe and effective (Category I), could be combined with topical antibiotics. While such a combination would have to be properly evaluated, it would be rational for the purpose of reducing signs of inflammation. However, the Panel considers the combining of an-

tibiotic and nonantibiotic ingredients to be irrational and without scientific basis and merely for the purpose of marketing advantage, particularly if the combination might result in a potentially serious health hazard. For example, combinations of antibiotics with local anesthetics (particularly those with a similar chemical structure to benzocaine) would not be safe or rational because these ingredients might mask symptoms of a worsening infection due to a pathogen's resistance to a particular topical antibiotic. Without pain because of action of a local anesthetic, the patient would be lulled into a false sense of security, believing the wound was healing when in fact the infection was actually spreading.

6. *Antibiotic ingredient combined with not more than two other antibiotic ingredients.* A Category I antibiotic ingredient can be combined with not more than two other Category I antibiotics provided:

a. The antibiotic ingredients all remain generally recognized as safe and effective.

b. The combination provides rational concurrent therapy for a significant portion of the target population. The Panel believes that if the addition of a second or third topical antibiotic ingredient to the product significantly increases the antimicrobial spectrum of the combination product, then the new ingredients have contributed to the combination. In addition, the increased antimicrobial spectrum must be relevant to the intended claim.

Conversely, if the addition of the second or third antibiotic to a combination does not significantly increase the spectrum, or the increased antimicrobial spectrum has no relevance to the intended claim, then those ingredients cannot be considered to have contributed to the combination. An example of the latter situation might occur if the addition of the second or third antibiotic expanded the combination's antimicrobial spectrum, but there was little likelihood the new microorganisms intended to be killed would be found either in the normal microbial flora of the skin or in the microbial flora of small wounds.

7. *Review of submitted combination products.* The Panel considered only those combination products submitted pursuant to the notice published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) and certain other possible combinations based on the antimicrobial spectrum of single ingredients. The Panel recognizes that other combination products may be in the marketplace, but it has either no knowledge of such products or insufficient data with respect to such products to make a reasonable judgment of safety and/or effectiveness.

Acordingly, the Panel recommends that any new combination, or any presently marketed combination not submitted to this Panel, be evaluated through the new drug procedures or be the subject of an appropriate petition to the Commissioner to review or amend the OTC topical antibiotic monograph.

B. CLASSIFICATION OF COMBINATION PRODUCTS

1. *Criteria for determining Category I combination products.* To qualify as a Category I combination product, i.e., one that is generally recognized as safe and effective and not misbranded, each of the following conditions must be met:

a. Each active antibiotic and claim in the combination product is Category I, as set forth elsewhere in this document for single topical antibiotic ingredients and claims.

b. The active antibiotic ingredients are combined on the basis of broadening the relevant antimicrobial spectrum. (The Panel wishes to reemphasize its previous conclusion that the narrow antimicrobial spectrum of polymyxin makes it imperative that this ingredient only be used in combination with at least one other antibiotic ingredient.)

2. *Combinations allowable as Category I.* Based on the combinations submitted and discussed below in this document, and the above criteria for Category I combinations, the Panel places all presently marketed combinations of the following topical antibiotic ingredients in Category I: a. *Skin wound protectant.* (i) Bacitracin combined with polymyxin.

(ii) Any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride) combined with polymyxin.

b. *Skin wound antibiotic.* (None listed.)

3. *Criteria for determining Category II combination products.* A combination is classified by the Panel as a Category II product if any one of the following apply:

a. A combination is Category II if a Category II antibiotic or nonantibiotic ingredient or labeling is present in the combination.

b. The combination contains antibiotics with identical or very similar antimicrobial spectrums.

c. The combination contains more than three antibiotic ingredients.

There were no combinations submitted to the Panel which meet the above criteria for Category II classification.

4. *Criteria for determining Category III combination products.* A combination product is classified as a Category III combination if any of the following apply: a. The Category III ingredient or labeling is present in a combination product containing no Category II ingredient or labeling, and

b. Except for skin wound protectants, the combination contains antibiotic ingredients which have different spectra, and which together significantly broaden the antimicrobial spectrum in a manner that is relevant to the intended claim.

5. *Combinations allowable as Category III.* Based on the above criteria and the combinations submitted and previously discussed in this document, the Panel places all combinations with any of the following ingredients in Category III: a. Skin wound protectant and skin wound antibiotic: (i) Combinations of neomycin, polymyxin, and bacitracin.

(ii) Bacitracin combined with neomycin.

b. Skin wound antibiotics only: (i) Bacitracin combined with polymyxin.

(ii) Any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride) combined with polymyxin.

(iii) Gramicidin D combined with neomycin.

c. In addition, based upon significantly broadening the antimicrobial spectrum, the following combinations of active antibiotic ingredients, not now marketed, are considered by the Panel to be rational:

(i) Bacitracin combined with any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride).

(ii) Polymyxin combined with gramicidin D.

(iii) Any one tetracycline (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride) combined with gramicidin D.

d. Further, the Panel agrees that should the criteria for combining topical antibiotic ingredients set forth above be met, all of these ingredients could be combined, if the total number of ingredients does not exceed three.

e. Further, there may be a number of other effective antibiotics for topical use which have been abandoned for systemic use because of potential toxicity which may, if investigated, add other combinations to this list.

f. Because a significant amount of data was submitted on the combinations set forth in paragraphs a and b of this section, the Panel believes these data should be revised in some detail as discussed below in section 6.

6. *Combinations of active ingredients.* a. *Neomycin-polymyxin-bacitracin.* Topical antibiotic products containing combinations of neomycin, bacitracin, and polymyxin have been used in the form of ointments, sprays, powders, and solution. In general, they are most widely used in the treatment of skin infections, burns, surgical wounds, and intravenous cutdown sites. Reports documenting use of these preparations began appearing in the mid-1950's and have continued to appear until the present time.

Antibiotic ointments containing neomycin sulfate 5 mg, zinc bacitracin 400 units, and polymyxin B 5,000 units per gm, have been used to treat various primary and secondary skin infections. In 1956 Panaccio (Ref. 1) used such treatment in 61 patients with various skin infections with results being good in 37, moderate in 14, and poor in 10. No cultures or controls were included in the report. Also in 1956 Stubenrauch et al. (Ref. 2) treated 113 cases of assorted skin infections with neomycin-polymyxin-bacitracin ointment with clearing of all lesions in 2 to 20 days. In 25 control cases treated with hydrocarbon base alone, only 4 cases cleared. However, control ointment base was not used in a double-blinded or randomized manner, and the 21 patients who did not immediately respond favorably to the ointment base alone were switched to neomycin-polymyxin-bacitracin ointment after 2 to 5

days. The Panel concludes that this was not an adequately controlled study. In 1959 Noojin et al. (Ref. 3) treated 55 patients with skin infections with neomycin-polymyxin-bacitracin ointment. Results were reported as good in 39 and poor in 16. No cultures or controls were included in the report.

In contrast to earlier uncontrolled or inadequately controlled studies, Pace in 1971 (Ref. 4) in an unpublished double-blinded, controlled study compared neomycin-polymyxin-bacitracin ointment and placebo ointment in the treatment of impetigo. In 30 patients, paired lesions of impetigo were graded according to size, redness, crust, oozing, and pain. Lesions were then culture and cleansed prior to treatment and were later recultured after 2, 3, and 7 days of treatment. One lesion of the pair on each patient was treated with the antibiotic ointment while the other lesion was treated with placebo ointment base. No significant difference was found between the two groups in either appearance of the lesions or in bacterial cultures. Inadequate antibiotic release from the ointment base was postulated by the author as a possible reason for the lack of superior results with the antibiotic ointment.

Four double-blinded, controlled studies between 1965 and 1970 document the use of neomycin-polymyxin-bacitracin ointment on intravenous catheter sites (Refs. 5 through 8). In each study antibiotic or placebo ointment was applied to puncture or cutdown sites after initial catheter insertion, and then reapplied once every 1 to 2 days after residual ointment had been removed. After catheter removal, the distal tip of each catheter was cut off and cultured. In 1965 Moran et al. (Ref. 5) applied antibiotic ointment to venous cutdown sites to see if phlebitis and septicemia resulting from infected intravenous catheters could be reduced. Application of antibiotic ointment to 38 cutdown sites was associated with bacterial colonization on only 18 percent of catheter tips, compared to 63 percent of catheter tips from 11 untreated sites, and 78 percent of catheter tips from 40 sites treated with placebo ointment. Septicemia (blood borne infection) did not develop in any patients treated with antibiotic ointment, in contrast to 2 cases in untreated controls and 5 cases in patients treated with placebo ointment. Phlebitis (localized inflamation of the vein) occurred in only 37 percent of patients treated with antibiotic ointment, in contrast to 57 percent of control patients. The authors concluded that neomycin - polymyxin - bacitracin ointment was helpful in preventing infections resulting from cutdown treatment. In 1970 Levy et al. (Ref. 6) reached the same conclusion in a similar study of cultures from 162 percutaneous venous catheters left in place longer than 48 hours. Results showed positive cultures from only 12 percent of 49 catheters treated with neomycin-polymyxin-bacitracin ointment, in contrast to 30 percent of 62 untreated catheters and 29 percent of 51 catheters treated with placebo ointment. The predominant organism cultured from all catheters was *Staphylococcus aureus*, but the number of organisms cultured was greatly decreased in the antibiotic ointment group. However, *Candida albicans* was cultured from 2 catheters in the antibiotic ointment group. Although this study was designed as a double-blinded, controlled trial, one of the investigators knew the code and allocated subjects, so that the experiment was actually unblinded at the beginning. Results showed a statistically nonsignificant difference in colonization, but in favor of the antibiotic ointment.

In 1969 Norden (Ref. 7) and Zinner et al. (Ref. 8) in separate studies concluded that antibiotic ointment does not decrease the overall incidence of bacterial colonization in catheter tips, but may offer protection against certain pathogenic organisms if catheters are left in place longer than 72 hours. Norden (Ref. 7) in a randomized, double-blinded, controlled study cultured 409 percutaneous catheter tips and found a bacterial colonization rate of 12 percent in 201 catheters from antibiotic-treated sites and 31 percent of 207 catheters from sites treated with placebo ointment. Pathogenic bacteria, however, were found in 4 percent of catheters in each group. If catheters were left in place longer than 4 days, pathogens were found on 8 percent of catheters, whereas if catheters were removed before being in place for 4 days, only 2 percent of catheters were infected. Zinner et al. (Ref. 8) cultured 436 percutaneous venous catheters in a double-blinded, controlled study. Catheter tips were found to be colonized with bacteria in 29 percent of 210 patients treated with antibiotic ointment and 34 percent of 226 patients treated with placebo ointment. Although there was no significant difference in the overall rate of colonization between the two groups, pathogens such as *Staphylococcus aureus* and gram-negative rods were greatly reduced on antibiotic-treated catheters, occurring in only 11 percent of antibiotic-treated catheters compared to 25 percent of controls treated with placebo ointment. *Candida albicans*, however, was found in 6 percent of antibiotic-treated catheters but in no placebo-treated catheters, and was felt to pose a potential danger of septicemia in antibiotic-treated patients. Approximately 30 percent of microorganisms cultured were resistant to the neomycin-polymyxin-bacitracin ointment. The development of phlebitis was not apparently influenced by the presence of antibiotic ointment, and also did not correlate with the presence of bacteria on the catheter tip. The incidence of phlebitis increased as catheters were left in place longer than 72 hours, so that early removal of venous catheters was concluded to be the most important factor in decreasing the risk of infection.

In 1962 Hildebrandt et al. (Ref. 9) lubricated urinary catheters with neomycin-polymyxin-bacitracin ointment in an effort to reduce urinary infection (bacteriuria) following catheterization in patients undergoing gynecologic surgery. Patients were catheterized in the operating room prior to surgery and the resulting urine was cultured. Postoperative urine cultures were taken 24 to 192 hours after surgery. Antibiotic ointment was applied only to catheters used in alternate patients, while control patients were left untreated. Antibiotic ointment significantly reduced the incidence of bacterial found in the urine, with only 6.7 percent of 15 patients with repeated short catheterizations having bacteriuria after topical antibiotic use compared to 36.4 percent in 22 controls. With prolonged indwelling catheterization, 100 percent of control patients but only 54 percent of antibiotic-treated cases had bacteriuria, although the number of cases was too small to be significant. It was concluded by the authors that antibiotic ointment helped reduce infection associated with single rapid catheterizations, but probably did not help prevent infection associated with prolonged indwelling catheters.

In 1972 and 1973 Bush and Stone (Refs. 10 and 11) reported the use of neomycin-polymyxin-bacitracin ointment and cream in treatment of major burns on burn wards to prevent infection with *Pseudomonas* organisms resistant to gentamicin. Following debridement and cleansing of burns, topical antibiotic cream or ointment was applied under absorbent pressure dressings, which were changed periodically under general anesthesia. From 1969 to 1971, among 204 children with extensive burns treated with neomycin-polymyxin-bacitracin cream or ointment, 2.0 percent died of pseudomonal sepsis. This was compared with earlier burn mortality rates of 1.9 percent among 623 children using topical gentamicin between 1964 and 1969, and 14.4 percent mortality among 791 children using topical nitrofurazone from 1958 to 1964. No control ointments were used during the treatment period with neomycin-polymyxin-bacitracin. The cream base was postulated to be more effective than the ointment base, possibly enabling better absorption of antibiotic into the burn wound. However, no attempt was made in the report to separate results using cream or ointment. Both cream and ointment forms were concluded to be effective in preventing and treating infections of burn wounds.

In 1962, Lowbury, et al. (Ref. 12) used antibiotic aerosol sprays containing neomycin-polymyxin-bacitracin to treat burns in 22 patients. Control patients received either no treatment (24 patients) or topical treatment with penicillin powder (24 patients). Results, based on daily bacterial cultures from burns, showed that bacterial growth was effectively suppressed in 47 percent of burns treated with antibiotic spray, compared to only 9 percent of untreated controls and 12 percent of patients treated with penicillin powder. The antibiotic spray suppressed staphylococci, coliforms, and *Pseudomonas*, which remained common in the other two groups. The antibiotic spray was concluded by the authors to significantly suppress bacterial infection in burns. No attempt was made to make

the study double-blinded or to treat burns with the aerosol spray alone.

In 1963 Lubowe (Re. 13) used antibiotic spray containing neomycin-polymycin-bacitracin to treat various primary and secondary skin infections in 51 patients. Results were reported as good in 42 and poor in 9 patients. No cultures or controls were included in the study in 1967 Mack and Cantrell (Ref. 14) in a very small double-blinded, controlled study evaluated the effectiveness of antibiotic sprays in reducing infections and healing time in superficial granulating wounds. Cultures of 20 infected wounds were taken prior to treatment and then 10 days after treatment had begun. Use of the antibiotic spray for 10 days resulted in 8 of 11 initially infected wounds having negative cultures, in contrast to 2 of 9 initially infected wounds having negative cultures following treatment with aerosol propellant alone. This difference was statistically significant and led the authors to conclude that the antibiotic spray was highly effective in eliminating bacterial infection from wounds. However, there was no statistically significant difference in wound healing times between the two groups.

In 1970 Purssey (Ref. 15) reported the treatment of 153 minor surgical wounds with neomycin - polymyxin - bacitracin spray following excision of skin lesions, but prior to suturing. An additional 127 similar wounds were not treated with the spray during the same period. All wounds were examined 7 to 10 days later at the time of suture removal, and cultures were taken of any wound which appeared to be infected. Results showed that 5.9 percent of wounds treated with the antibiotic spray were infected, in contrast to 17.3 percent of wounds which were infected in untreated controls. All infected wounds contained *Staphylococcus aureus*, and significantly more infected wounds occurred on the trunk and limbs than on the face and neck. The author concluded that the antibiotic spray dramatically decreased the number of postoperative infections in the treated group. Although this study was controlled, patients were not allocated in a randomized fashion and no attempt was made to double-blind the study by treating control wounds with a placebo spray.

In 1969 Heisterkamp et al. (Ref. 16) tested the effectiveness of neomycin-polymyxin-bacitracin spray in preventing inflection in war wounds of the extremities in Vietnamese soldiers. After wound cultures were taken, and within 1–6 hours after wounding, a single spray of antibiotic was applied to each wound. Wounds were then debrided at a later time during the initial 24 hours after wounds, and patients were monitored until their wounds were completely healed. Control patients received either no spray at all or treatment with oxytetracycline spray. Results showed that 39 percent of 28 control wounds which were not treated with any antibiotic spray developed infection. In contrast, 16.3 percent of 86 wounds treated with tetracycline spray became infected, as did 16.7 percent of 12 wounds treated with neomycin-polymyxin-bacitracin spray. The authors concluded that topical antibiotic sprays, if used early, can reduce the incidence of infection in war wounds, as the infection rate in the control group was 2½ times as great as in the group treated with topical antibiotics. However, the sample size of the group treated with neomycin-polymyxin-bacitracin spray (12 patients) is too small to permit conclusions of statistical significance.

In 1968 Matsumoto et al. (Ref. 17) studied simulated combat wounds which were produced in rabbits, comparing wound treatment using several types of topical antibiotic sprays. Antibiotic spray was applied 15 minutes after contaminated soil was rubbed into wounds initially produced with multiple deep incisions into the thigh muscles. Results showed that oxytetracycline in myristate spray was much superior to all other sprays used, including oxytetracycline in sesame oil spray and neomycin-polymyxin-bacitracin in either myristate or sesame oil sprays. Oxytetracycline in myristate spray reduced mortality to 3 percent, in contrast to a 78 percent mortality with neomycin-polymyxin-bacitracin in myristate spray.

Neomycin-polymyxin-bacitracin spray has been used extensively to treat major surgical wounds in an effort to prevent postoperative wound infections. In 1961 Forbes (Ref. 18) reported a survey of staphylococcal wound infections which developed over a 4-year period among 6,419 major operations. This was a before-and-after prospective cross-over study in which antibiotic spray was used for a period and then stopped, with incidence rates of wound infection computed for each period. During the 4-year period, the overall wound infection rate was 3.3 percent, but the yearly infection rates declined progressively from 6.7 percent in 1957 to 1.8 percent in 1960 as use of the antibiotic powder spray increased. The use of the antibiotic spray was encouraged, but not required during the study, and gradually increased throughout the treatment period. During a 2-month control period in 1960, the use of all antibiotic sprays was banned in the operating room, with the result that the infection rate rose to over 6 percent. When spraying of wounds with antibiotic was resumed, the monthly infection rates dropped sharply to levels of 0.1 to 2 percent, identical to levels in the previous 6 months. The overall infection rate in wounds treated with antibiotic spray was 2.0 percent, whereas the infection rate in unsprayed wounds was 4.3 percent. The author concluded that the antibiotic spray could both protect individual patients from wound infection and also help reduce the overall infection rate in surgical wounds. The Panel concluded that although there was a tendency towards reduction in infections during the periods in which antibiotic sprays were used, the differences in infection rates computed for each period were too small to be highly significant.

In 1965 Fielding et al. (Ref. 19) reported a controlled study performed over a 7-month period in which approximately half of all surgical wounds were treated with neomycin-polymyxin-bacitracin spray during wound closure. The spray was used only on certain days, which were allocated to different parts of the week as the study progressed in an effort to randomize patient selection. Control patients received no spray treatment. Results showed that among 480 clean wounds, infection occurred in 3.8 percent of untreated wounds and 0.9 percent of wounds treated with antibiotic spray, a difference in infection rates which is only slightly statistically significant. In 371 dirty or potentially infected wounds, infection occurred in 16.1 percent of untreated wounds and 12.8 percent of antibiotic-treated wounds, a difference which is not statistically significant. The authors concluded that prophylactic treatment of surgical wounds with topical antibiotic spray could not be recommended except in dirty wounds with a potentially high risk of wound infection. The Panel concluded that the study was performed in a rather loose and unsupervised manner, as suggested in the report, and that the positive results achieved in clean wounds should be interpreted with great caution.

In 1971 Jackson et al. (Ref. 20) concluded that neomycin-polymyxin-bacitracin spray will not prevent a majority of postoperative wound infections. Wounds to be treated with antibiotic spray were chosen randomly by spinning a coin. Among 704 operations, 340 wounds served as untreated controls. In the control groups, 14.3 percent of wounds became infected, whereas in the group treated with antibiotic spray, 10.9 percent of wounds became infected. Infection occurred in 5 percent of clean wounds, 11.5 percent of potentially contaminated wounds, and 42.1 percent of contaminated wounds. Although there was a slightly lower incidence of infection in the group sprayed with antibiotic, the difference in infection rates between the two groups was not statistically significant.

Four recent reports describe the use of neomycin-polymyxin-bacitracin spray in the management of contaminated surgical wounds following emergency abdominal surgery (Refs. 21 through 24). In 1972 Stone and Hester (Ref. 21) reported experience with neomycin-polymyxin-bacitracin spray in the management of wounds involving actual or possible gastrointestinal perforation following acute appendicitis or trauma to the abdomen. Wounds were randomly assigned to one of three treatment groups: immediate primary closure, delayed primary closure, and antibiotic spray followed by immediate primary closure. The outcome measure was the development of wound infection among 265 cases of abdominal incisions contaminated by bacteria. Results were difficult to interpret as percentages were given without denominators. Little difference was noted between delayed primary closure groups and antibiotic plus immedi-

ate primary closure groups, although both were much superior to primary closure alone. However, the addition of antibiotic spray significantly decreased the incidence of infection in wounds treated with immediate primary closure. Delayed closure without antibiotic spray also significantly reduced the infection rate in wounds, but wounds often became colonized later with different bacteria common in the hospital.

In 1973 Stone and Hester (Ref. 22) reported a similar study during a 27-month period in 1,288 children who underwent emergency surgery for treatment of penetrating abdominal wounds or possible intestinal perforation. Patients were randomly assigned to one of three treatment groups based on the last digit of their hospital number, and were subsequently treated with either immediate primary closure, delayed primary closure, or neomycin-polymyxin-bacitracin spray followed by immediate primary closure. Results were divided between clean and contaminated (dirty) wounds. Among clean wounds in 844 patients, results showed no significant difference between the three treatment groups. Among 444 contaminated wounds, however, immediate primary closure alone in 154 wounds resulted in 48.7 percent of wounds becoming infected, in contrast to 10.3 percent of 155 wounds which became infected using antibiotic spray prior to immediate primary closure and 15.6 percent of 135 wounds which became infected after delayed primary closure. The authors concluded that the topical antibiotic spray significantly decreased the incidence of wound infections in heavily contaminated abdominal incisions. Although this study was randomized and controlled, no effort was made to double-blind it using a control spray.

In 1973 Gilmore et al. (Ref. 23) reported a 5-month study in which appendectomy wounds were treated with neomycin - polymyxin - bacitracin spray powder in an effort to decrease the number of postoperative wound infections. Patients were randomly divided into three treatment groups of 84 each, receiving primary closure alone, antibiotic spray prior to primary closure, or povidone iodine spray prior to primary closure. Results showed a statistically significant reduction in the number of infections using both antibiotic spray and povidone iodine spray when compared to the use of no spray at all in wounds closed with primary closure. While 18 percent of control wounds became infected only 10 percent of antibiotic-treated wounds and 8 percent of povidone iodine-treated wounds were infected. The authors concluded that both the antibiotic spray powder and the povidone iodine spray were superior to primary closure alone for prevention of postoperative infection in appendectomy wounds.

An unpublished randomized and double-blinded controlled study by Seropian and Reynolds (Ref. 24) compared the use of neomycin-polymyxin-bacitracin spray to the spray aerosol alone in treating 256 emergency, high risk, contaminated major surgery cases. The antibiotic spray caused a significant reduction in wound infections with infection developing in 11.0 percent of 127 wounds treated with aerosol spray alone. No adverse reactions were observed using the sprays.

In 1972 Furman et al. (Ref. 25) reported the use of antibiotic solution containing neomycin-polymxin-bacitracin in treating five patients with infections developed around cardiac pacemakers. After the localized infections were cultured and debrided the wounds were irrigated every hour with antibiotic solution containing neomycin 1 gm; bacitracin, 50,000 units; and polymyxin, 500,000 units, per liter (1) of normal saline solution. In addition, patients were treated with oral antibiotics and kanamycin irrigation. Infections were cleared without removal of the pacemaker in all five patients, and the antibiotic solutions was felt by the authors to be extremely helpful in the treatment. However, there were so many treatment variables in the study that it is impossible to evaluate the role of the antibiotic in the overall treatment results.

In 1963 Lamphier and Goldberg (Ref. 26) reported the use of neomycin-polymyxin-bacitracin powder in lactose base to treat minor surgical wounds and skin infections in 356 patients. Following wound treatment with saline irrigation, soap cleansing, and debridement, the antibiotic powder was applied under a dressing. Most wounds were reported to have healed within 2 weeks, and the author concluded that the antibiotic powder was helpful in treating minor surgical wound infections. However, no controls were included in the study. In 1963 Gray and Kidd (Ref. 27) reported the use of neomycin-polymyxin-bacitracin powder in guinea pigs to treat experimental wounds which had been purposely infected. The powder was concluded by the authors to be very effective in preventing wound infections caused by aerobic bacteria. However, no attempt was made to double-blind the study by including treatment with powder base alone.

In summary, the Panel concludes that the studies cited above are insufficient to establish clinical effectiveness for the combination of neomycin, bacitracin, and polymyxin in topical antibiotic OTC products. Although several double-blinded, controlled studies have been performed using the triple antibiotic combination, they have mostly involved treatment of major surgical wounds or intravenous cutdown sites, instead of the prophylaxis or treatment of superficial skin infections for which OTC use is designed. An additional problem with many of these studies is their use of vehicles such as sprays and solution which are not presently available for OTC use, rather than the use of ointments which constitute the major formulated OTC product currently available. The Panel is concerned that the antibiotics may not be as readily released from the ointment dosage form as from sprays or solution, and therefore is not willing to accept studies with these bases as proof of effectiveness for the ointment dosage form. Most double-blinded, controlled studies involving the ointment dosage form of neomycin-polymyxin-bacitracin were concerned with attempting to prevent infection in intravenous catherization sites. Results of these studies are conflicting, with some authors concluding that the triple antibiotic ointment decreases the number of bacterial infections at the catherization sites, while other authors believe that the ointment does not decrease the overall incidence of infections at the catheter sites. The only double-blinded, controlled study with triple antibiotic ointment involving treatment of a superficial skin infection (Ref. 4) suggested that the antibiotic ointment was no more effective than the ointment base alone in the treatment of impetigo. Opposing this conclusion is a large body of favorable clinical impressions (cited above) based on uncontrolled clinical trials involving various superficial skin infections. While not wishing to disregard the clinical judgment of any practicing physician who contributed time and effort to both perform and report his studies, the Panel concludes that these studies cannot be substituted for double-blinded, controlled clinical trials in proving clinical effectiveness of the triple antibiotic ointment.

The Panel considers that the combination of neomycin, polymyxin, and bacitracin provides a rational and broad spectrum of antibacterial coverage against both gram-positive and gram-negative bacteria likely to be found in superficial skin wounds. The Panel concludes that if controlled studies show statistically that an ointment or any other topical dosage form containing the triple antibiotic combination is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, neomycin-polymyxin-bacitracin should be reclassified as Category I as a skin wound antibiotic. This decision is contingent upon neomycin not being shown to be a significant allergic sensitizer in the population at large, as outlined earlier in this document. Category I status for this combination as a skin wound protectant would only be dependent on the resolution of the allergic sensitization question.

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b. *Bacitracin-neomycin*. Combination topical antibiotics containing bacitracin and neomycin have been used in the form of ointments, solutions, and sprays. Most reports documenting use of these products appeared between 1953 and 1966 (Refs. 1 through 8) and concerned treatment of pyodermas, burns, and massive soft tissue injuries as well as a mean of reducing the number of *Staphylococci* in the anterior nares of so-called nasal carriers. An additional report in 1971 concerned use of bacitracin-neomycin solution as a preoperative surgical scrub preparation (Ref. 9).

The use of bacitracin-neomycin ointment to treat skin infections was reported in 1953, 1954, 1963, and 1966 (Refs. 1 through 4). In 1953 Lubowe (Ref. 1) used bacitracin-neomycin ointment to treat 58 patients with various skin infections, with results reported as good in 53 and poor in 5 cases. No cultures or controls were included in the report. In the same study 22 patients with minor skin surgical wounds were treated prophylactically with bacitracin-neomycin ointment, with no infections developing in any wounds. In 1954 Greenhouse and Ryle (Ref. 2) treated 53 cases of assorted skin infections with bacitracin-neomycin ointment with good results in 47 and poor results in 6 cases. No cultures or controls were included in the report. In a double-blinded, controlled study in 1963 Burnett (Ref. 3) compared the effectiveness of systemically administered erythromycin with topically applied bacitracin-neomycin ointment in the treatment of impetigo. Impetigo lesions in 70 patients were cultured and gram-stained, and then treated with combinations of either erythromycin capsules and placebo ointment or placebo capsules and bacitracin-neomycin ointment. The average time interval between initiation of treatment and cure was not significantly different between the two groups, being 3.5 days with erythromycin capsules and 3.9 days with topical bacitracin-neomycin ointment. However, the number of treatment failures was significantly greater in the bacitracin-neomycin ointment group, with eight failures compared to one failure in the systemic erythromycin group. The systemic antibiotic was concluded to be much more reliable for treating impetigo than the topical antibiotic.

In 1966 Urbach (Ref. 4) treated 50 consecutive patients with assorted skin infections with topical antibiotic ointment containing either bacitracin-neomycin or neomycin-polymyxin-bacitracin. Cultures of all lesions before treatment revealed *Staphylococcus aureus*. Improvement of lesions was said to occur if their crusts disappeared, erosions healed, and itching vanished. Using these criteria, there was no significant difference between improvement of lesions in the two treatment groups as good results occurred in 20 of 25 cases in the neomycin-bacitracin group and 18 of 25 cases in the neomycin-polymyxin-bacitracin group. The addition of polymyxin to the antibiotic combination of bacitracin-neomycin was concluded by the author to yield no particular advantage, since most skin infections are due to staphylococci or streptococci which are not susceptible to polymyxin. No controls were included in this study.

In 1959 a double-blinded, controlled study by Weinstein (Ref. 5) examined the use of bacitracin-neomycin ointment for controlling the asymptomatic carriage of staphylococci in the noses of all personnel working on hospital surgical services. Over a 12-month period, 57 people were identified as persistent nasal carriers of staphylococci, as shown by frequent and repeated nose and throat cultures. The application of bacitracin-neomycin ointment to the anterior nares of the nose for a 7-day period was compared to either no treatment at all or treatment with placebo ointment. Good results, as judged by the presence of negative nose and throat cultures 1 week after treatment was discontinued, occurred in 72 percent of 39 people treated with bacitracin-neomycin ointment, 23 percent of 22 people treated with placebo ointment, and 22 percent of 37 people receiving no treatment. Bacitracin-neomycin ointment was concluded to be a useful topical treatment for partial control of staphylococcal nasal carrier states.

In 1960 Garnes et al. (Ref. 6) used sprays containing bacitracin and neomycin to treat patients with second and third degree burns. The spray left a powder which formed a thin film on the wound. No infections occurred among the 21 patients who were treated with bacitracin-neomycin spray, with burns remaining dry and odorless. However, four patients died of other complications. No cultures or controls were included in this report. In 1959 and 1960 bacitracin-neomycin sprays were also used to treat massive experimental wounds made with explosives in goats (Refs. 7 and 8), and were felt to be of significant benefit in prolonging survival time. The Panel concluded, however, that these types of studies were not relevant to evaluation of topical antibiotics for OTC use.

In 1971 Saik et al. (Ref. 9) used bacitracin-neomycin solution in 70 percent alcohol as a 5 to 10 minute presurgical scrub and compared it to an iodophor presurgical scrub solution. In 541 "clean" operations with obvious infection present, bacterial cultures were taken from the skin of the surgical site before the scrub solution was used, immediately prior to surgery and immediately after surgery. Prolonged bacterial suppression was found to occur on the skin treated with the bacitracin-neomycin solution, with significantly lower postoperative

median counts in the bacitracin-neomycin treated group than in the iodophor group. There were also more preoperative "no growth" bacterial counts after scrubbing with bacitracin-neomycin solution than with iodophor solution. Although fewer postoperative wound infections occurred following the bacitracin-neomycin scrub than with the iodophor scrub, the difference was not significant, with infections developing in 2.2 percent of the bacitracin-neomycin group and 3.6 percent of the iodophor group. The authors concluded that the bacitracin-neomycin scrub solution was more effective than iodophor solution in suppressing bacteria on the skin, even though there was no significant difference between the two groups in the number of postoperative wound infections which developed.

In summary, the Panel concludes that the studies cited above do not adequately establish clinical effectiveness for the combination of bacitracin and neomycin in topical skin wound antibiotic products. The only double-blinded, controlled study using bacitracin-neomycin ointment involved treatment of nasal carriers of staphylococci, not the prophylaxis or treatment of superficial skin infections for which OTC use of the combination is designed. The Panel considers that the combination of bacitracin and neomycin is rational since it broadens antibacterial coverage against the gram-positive organisms most likely to be found in superficial skin wounds, and also decreases the likelihood of encountering a bacterial strain resistant to both antibiotics as well as the chance of developing an infection which might be resistant to both antibiotics. Although the combination of bacitracin and neomycin does not provide bacterial coverage against some of the gram-negative bacteria, the Panel feels the potential risks for OTC use are low, since very few superficial skin wounds under normal circumstances become infected with gram-negative organisms. The Panel concludes that if controlled studies show statistically that an ointment or any other topical dosage form containing the combination of bacitracin and neomycin is significantly more effective than the vehicle base alone in preventing and treating infections in superficial skin wounds, bacitracin-neomycin should be reclassified as Category I as a skin wound antibiotic. This decision is contingent upon neomycin not being shown to be a significant allergic sensitizer in the population at large, as outlined earlier in this document. Category I status for this combination, as a skin wound protectant, would only be dependent on resolution of the allergic sensitization question.

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c. *Bacitracin-polymyxin.* The combination of bacitracin-polymyxin topical antibiotic was evaluated for treatment of various skin infections in five uncontrolled studies between 1952 and 1954 (Refs. 1 through 5). In 1954 Philip (Ref. 1) treated skin infections in 36 patients with a lotion containing 500 units of bacitracin and 10,000 units of polymyxin per ml of carbowax vehicle. Results were good in 19, moderate in 9, and poor in 8 cases. No controls were included in the study. In 1952 Gastineau and Florestano (Ref. 2) used bacitracin-polymyxin ointment to treat 147 patients with assorted skin infections. Results were reported as good in 137, moderate in 9, and poor in 3 cases. No controls were included in the report. In 1952 Graves (Ref. 3) reported the use of bacitracin-polymyxin ointment in 89 cases of acute and chronic external ear infections. Good results were seen in all cases. No cultures or controls were included in the study.

In 1953 Kile et al. (Ref. 4) used an ointment containing bacitracin 500 units and polymyxin B 10,000 units per gm to treat 361 patients with various skin infections. Results were good in 87, moderate in 230, and poor in 44 cases. Although cultures were performed in 78 patients, no controls were included in the study. The same ointment was used prophylactically in 65 patients following various office minor surgical procedures, with prevention of infection in all cases (Ref. 4). No controls were included in the prophylactic study. In 1954 Pass and Rattner (Ref. 5) used bacitracin-polymyxin ointment to treat 577 cases of skin infection. Results were good in all cases, but no controls were included in the report. In the same study, no postoperative infections occurred in 34 cases of acne planning following prophylatic use of the ointment (Ref. 5).

In summary, the Panel concludes that the uncontrolled studies cited above do not adequately establish clinical effectiveness for the combination of bacitracin and polymyxin in topical skin wound antibiotic products. The Panel considers that the combination of bacitracin and polymyxin is rational and provides a broad spectrum of antibacterial coverage against both gram-positive and gram-negative bacteria likely to be found in superficial skin wounds. The Panel concludes that if controlled studies show statistically that an ointment, lotion, or any other topical dosage form containing the combination of bacitracin and polymyxin is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, bacitracin-polymyxin should be reclassified as Category I as a skin wound antibiotic. This combination is already classified as Category I as a skin wound protectant.

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d. *Tetracycline-polymyxin.* Clinical use of topical antibiotics containing the combination of tetracycline and polymyxin has not been widely reported, with only three reports documenting the use of tetracycline-polmyxin ointment (Refs. 1, 2, and 3) and three additional reports documenting the use of tetracycline-polymyxin powder. No controlled studies have been reported using this combination.

In 1953 and 1955 Appel (Refs. 1 and 2) reported the use of oxytetracycline-polymyxin B ointment in 2 studies which included 137 and 433 patients with assorted skin infections. Among the 137 patients, results were reported as good in 82, moderate in 26, and poor in 29. Among 433 patients, results were good in 392 and poor in 41. No cultures or controls were included in either study. Appel (Ref. 1) also reported that 56 minor surgical wounds treated prophylactically with the same ointment healed without evidence of infection. Again, no controls were included. In 1955 Carsley (Ref. 3) treated 75 patients with various skin infections using oxytetracycline-polymyxin ointment. Results were good in 54, moderate in 13, and poor in 8 cases. Acute impetigo in 20 patients was cured in 2 to 7 days. No cultures or controls were included in the report.

In 1959 and 1962 Barefoot (Refs. 4 and 5) used oxytetracycline-polymyxin

powder to treat 5,691 and 5,500 patients with assorted skin infections and postoperative minor surgical wounds. Good results were reported in all patients, but no cultures or controls were included. In 1965 Lamphier (Ref.6) used oxytetracycline-polymyxin B power to treat 1,112 patients with assorted localized skin infections or postoperative abdominal wounds. Results were reported as good in 987, moderate in 98, and poor in 27. No cultures or controls were included in the report.

In summary, the Panel concludes that the uncontrolled studies cited above do not adequately establish clinical effectiveness for the combination of tetracycline and polymyxin in topical skin wound antibiotic products. The Panel considers that the combination of tetracycline and polymyxin provides a rational and broad spectrum of antibacterial coverage against both gram-positive and gram-negative bacteria likely to be found in superficial skin wounds. The Panel concludes that if controlled studies show statistically that an ointment, powder, or any other topical dosage form of the combination of tetracycline and polymyxin is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, tetracycline-polymyxin should be reclassified as Category I as a skin wound antibiotic.

REFERENCES

(1) Appel, B., "Oxytetracycline-Polymyxin B Ointment in Skin Infections," *Antibiotics and Chemotherapy*, 3:1258–1267, 1953.

(2) Appel, B., "Oxytetracycline and Polymyxin B. Their Combined Effect on Pyodermatises," *Antibiotics Annual*, 2:949–958, 1954–55.

(3) Carsley, S. H., "An Evaluation of Oxytetracycline Combined with Polymyxin B for Topical Use," *Antibiotic Medicine*, 1:567–569, 1955.

(4) Barefoot, S. W., "Oxytetracycline Hydrochloride-Polymyxin B Sulfate Topical Powder," *Archives of Dermatology*, 79:455–457, 1959.

(5) Barefoot, S. W., "Topical Oxytetracycline-Polymyxin Further Observations," *Dermatology*, 86:236, 1962.

(6) Lamphier, T. A., "Surgical Infections Treated with Oxytetracycline," *Clinical Medicine*, 72:88–92, 1965.

e. *Gramicidin-neomycin.* Gramicidin D, 0.25 mg/gm in plasticized hydrocarbon gel base, was submitted for OTC review as part of a combination ointment containing neomycin. The Panel considers that the combination of gramicidin D and neomycin is rational since it broadens antibacterial coverage against the gram-positive organisms most likely to be found in superficial skin wounds, and also decreases the likelihood of encountering a bacterial strain resistant to both antibiotics as well as the chance of developing an infection that might be resistant to both antibiotics. Although the combination of gramicidin D and neomycin does not provide adequate bacterial coverage against gram-negative bacteria, the Panel is not concerned about potential risks for OTC use since very few superficial skin wounds under normal circumstances become infected with gram-negative organisms. No clinical studies involving the use of the combination of gramicidin D-neomycin, either controlled or uncontrolled, were submitted to the Panel for evaluation. Therefore, the Panel was unable to evaluate the clinical effectiveness of this topical antibiotic combination. The Panel concludes that if controlled studies show statistically that an ointment, or any other topical dosage form containing the combination of gramicidin D and neomycin, is significantly more effective than the vehicle alone in preventing and treating infections in superficial skin wounds, gramicidin D-neomycin should be reclassified as Category I. The decision is contingent upon neomycin not being shown to be a significant sensitizer in the population at large, as outlined earlier in this document.

C. CONCLUSIONS REGARDING COMBINATIONS

A comprehensive search of the literature recently published "reveals no direct evidence from double-blind controlled studies that the application of combinations of antibiotics will reduce the number of infections of accidentally incurred minor cuts, burns and abrasions" (Ref. 1). It is argued that in vitro studies, in vivo evidence, and the positive findings in other clinical trials (as, for example, surgical wounds) should lead to the conclusion that these agents will also be effective in the prophylaxis of infections of accidentally incurred cuts and abrasions.

The Panel is unable to accept this argument for several reasons. The evidence from the referenced clinical trials is not always consistent. Furthermore, the design of many of the cited studies is deemed less than adequate. Finally, although other studies may suggest that a properly designed, randomized, double-blinded, controlled trial of combination antibiotic agents might reduce the incidence of infection of accidentally incurred minor cuts, wounds, and abrasions, the proof is still lacking. However prudent scientific judgment does not permit the conclusion that merely arguing their efficacy by analogy is sufficient.

REFERENCE

(1) Anderson, V., "Over-the-Counter Topical Antibiotic Products: Data on Safety and Efficacy," *Supplement to International Journal of Dermatology*, 15:1–118, 1976.

D. CRITERIA FOR RECLASSIFICATION OF CATEGORY III COMBINATIONS TO CATEGORY I COMBINATIONS.

1. *Safety.* The combination must be shown to be safe utilizing the tests described in the Guidelines for Evaluation of Safety described elsewhere in this document. (See part VI, paragraph B.1. below—Safety testing.)

2. *Effectiveness.* The combination must be shown to be effective utilizing the tests in Guidelines for Evaluation of Clinical Effectiveness described elsewhere in this document. (See part VI, paragraph B.2. below—Effectiveness testing.)

VI. GENERAL GUIDELINES FOR SAFETY AND EFFECTIVENESS EVALUATION OF TOPICAL ANTIBIOTICS

A. INTRODUCTION

The Panel believes it reasonable to allow 2 years for the development and review of evidence to permit final classification of these ingredients and the claims made for them. Marketing need not cease during this time if adequate testing is undertaken.

The Panel has given considerable thought to the problem of how to demonstrate the safety and effectiveness of topical antibiotics. The following guidelines for demonstration of product safety and effectiveness were developed by the Panel to aid evaluation of present data and assist manufacturers in designing future studies. The guidelines are not meant to be rigid or binding protocols for evaluation of safety or effectiveness, but instead attempt to indicate the type of information judged by the Panel to be essential for conclusive evaluation of drugs designed for widespread OTC use.

B. SAFETY AND EFFECTIVENESS TESTING

1. *Safety testing, using both topical and systemic methods of exposure to the antibiotic.* The Panel believes that safety testing of OTC topical antibiotic ingredients must include application to large areas of damaged skin. Despite the intended restriction of their use to small cuts and abrasions, these formulations have a history of use on larger areas of damaged skin such as diaper rash, heat rash, leg ulcers, and extensive burns. The Panel feels that manufacturers should realize that topical OTC antibiotics are used in an unsupervised manner and that safety testing should make every effort to assure minimal risk of toxicity to the patient despite the manner of application to the skin.

The tests described below should be performed in an appropriate animal species when required in the appropriate section(s) for each specific ingredient described elsewhere in this document.

a. *Topical.* Determine for both the antibiotic and the final formulation where applicable:

(1) Primary skin irritation following single or repeated exposure. Special attention should be paid to the eyes and mucous membranes (Ref. 1).

(2) Allergic contact dermatitis. Any unusual adverse reactions in humans, such as photosensitivity or alterations in pigmentation, should be carefully and fully investigated.

(3) Effect of the antibiotic and formulation on wound healing.

REFERENCE

(1) Rovee, D., Transcripts of open session of Antimicrobial II Panel, March 21, 1975.

b. *Systemic.* For the antibiotic alone, determine the following: (1) Develop, if possible, an adequately sensitive analytical method such that traces in blood can be determined.

(2) Determine, if possible, an LD_{50} in animals by at least two routes of administration, one being either parenteral

or oral. In determining an LD_{50}, the minimum lethal and the maximum tolerated blood level and dose by that route should be established.

(3) The target organ(s) for toxicity effects should be identified if possible when the drug is administered topically and via oral or parenteral routes in animals. Specific toxic effects in each species should be related to a blood concentration and the time required to induce that effect. It is also expected that these toxicity studies should be conducted in a single species during a single study. Appropriate histological and biochemical studies relating to observed effects should be conducted.

(4) Degree of absorption (at least as evidenced by blood tests) through both intact and abraded animal skin, using at least 25 percent of the total body surface as the size of the test area. Both acute and subacute exposures should be evaluated. Tissue distribution studies following both topical application and oral or parenteral administration (if evidence suggests differences), metabolic fate, and rates and route of excretion should be determined if target organs have been found for toxicity.

c. Where evidence suggests a need, conduct appropriate teratogenicity, mutagenicity, carcinogenicity, and reproduction studies in animals.

2. *Effectiveness testing, including in vitro tests and in vivo tests with animal models, human models, and clinical studies.* The Panel feels that evaluation of clinical effectiveness of topical antibiotics should include recognition and consideration of their widespread OTC use for treatment as well as prevention of skin infection. Although topical antibiotics are presently labeled only for prophylactic use to prevent infection in small cuts and wounds, the Panel suspects that consumers use these products more frequently to treat rather than to prevent such infections. While not encouraging self-diagnosis and treatment of infection, the Panel believes that the average consumer can reliably recognize the signs of skin infection (redness, warmth, tenderness, pus) and should have the option of applying a safe and effective OTC medication. Therefore, the Panel is willing to accept a realistic therapeutic labeling claim for effectiveness in treatment of minor skin wound infections, providing justification for such a claim can be clearly and convincingly demonstrated for topical antibiotics by the manufacturer.

Demonstration of clinical effectiveness must include proof that the formulated topical antibiotic product is more effective than the product vehicle alone. Controlled studies are required by the Panel to demonstrate that the antibiotic product is more than an inert vehicle inducing a beneficial placebo effect on the skin. The Panel requires evidence that each antibiotic is successfully released from its vehicle when applied to skin, thereby becoming available to act on bacteria within superficial skin wounds.

The Panel concludes that three major areas of effectiveness must be evaluated: Prophylaxis or prevention of infection; effectiveness in the treatment of infection, if claimed; and the effects on wound management and wound repair. The Panel recognizes the many difficulties inherent in obtaining acceptable data in all of these areas. Therefore, the Panel recommends preliminary well-designed and well-controlled animal and human model studies, followed by appropriate clinical trials. Such models should simulate as closely as possible situations that might exist in actual practice. The panel will not insist on clinical testing of prophylactic effectiveness in a large number of patients, provided that adequate model studies have been conducted to indicate prophylactic effectiveness.

The following guidelines for effectiveness testing are not intended to be restrictive, but merely indicate the types of data considered necessary:

a. *In vitro testing.* Such testing should include: (1) Careful technique to ensure that antibiotic carryover into the test system is eliminated by proper dilution or inactivation.

(2) Determination of the antimicrobial spectrum of the antibiotic using both standard cultures and recently isolated strains of each species.

(3) Determination of the minimal inhibitory concentration (MIC) of the antibiotic under standard conditions against standard reference organisms and recent clinical isolates from superficial infections to provide updated, relevant data on susceptibility of these current isolates.

b. *In vivo testing.* Such testing should be designed to closely approximate clinical situations and evaluate intended label claims for both prevention and treatment of minor skin wound infections and management of wounds. A well-designed study should include proper precautions to demonstrate the effect of the antibiotic itself compared with the effect of the vehicle. Control groups should receive treatment with inert vehicles which are identical in appearance, odor, and consistency to the test material. A doubleblinded procedure should be employed to minimize bias in reporting results. An appropriate procedure to ensure random allocation of subjects to treatment and comparison groups should be employed (Ref. 1).

In vivo testing could include work with animal models and human models, prior to clinical studies.

The Panel recognizes the difficulty in conducting large-scale prospective clinical trials. Several statistical methods to reduce the size of these trials may be helpful, such as use of sequential designs to limit the sample size.

(1) *Animal models.* Review of the current literature suggests that hamsters and guinea pigs are satisfactory experimental animals in which to consistently produce skin infection. The impetigo model in hamsters and the various guinea pig surgical wound models appear to provide reliable test systems for evaluating both therapeutic and prophylactic effectiveness of topical antibiotics. Care must be taken, however, in comparing test results obtained in different species.

The Panel recommends that attempts be made to standardize the following variables in animal models: (1) Location of contaminated wounds.

(ii) Depth of incision.

(iii) Type and quantity of inoculum.

(iv) Method of inoculation.

(v) Time between the inoculation and treatment.

(vi) Method of culturing.

(vii) Technique of treatment.

(viii) Method of wound closure.

(ix) System of grading infections.

In working with prophylactic surgical wound models, effort should also be made to avoid leaving necrotic tissue, foreign bodies, dead space, or hematomas which might interfere with wound healing.

(2) *Human models for treatment and prophylaxis.* Review of the current literature and of unpublished data presented to the Panel leads the Panel to believe that a few satisfactory and safe model systems presently exist for producing experimental superficial infection in human skin. Successful models require disruption of the uppermost layers of the skin through either cellophane tape stripping or ammonium hydroxide blister formation. To ensure safety, a 24-hour lag period must elapse between stripping or blister induction and inoculation of pathogenic microorganisms into the wound, which is then followed by plastic wrap occlusion. The resulting skin lesions, induced by *Staphylococcus aureus*, apparently resemble superficial infections produced under natural conditions and may be used to evaluate possible therapeutic effectiveness of topical antibiotics.

Prophylactic effectiveness can also be evaluated using the same model by inserting a topical antibiotic into the test system between the time of bacterial inoculation and usual appearance of clinical lesions.

A second model for testing prophylactic effectiveness includes the use of plastip wrap occlusion on normal forearm skin to induce bacterial proliferation. Application of various concentrations of antibiotic before, during, or after occlusion helps indicate the bacteriostatic and bactericidal effectiveness of a test product against both gram-positive and gram-negative microorganisms.

The Panel recognizes that no single test system can possibly encompass all therapeutic and prophylactic applications for which OTC topical antibiotics are designed. Separate protocols will have to be designed to consider such variables as antibacterial spectrum and duration of antibiotic action. The Panel concludes, however, that existing model test systems in humans can be modified and controlled in such a way that they will help to evaluate specific claims for therapeutic and prophylactic effectiveness of topical antibiotics.

(3) *Clinical studies.* The final appraisal of topical antibiotic effectiveness must take place in a clinical setting under circumstances conforming to actual circumstances in the community and must conform to accepted ethical standards. Animal and human models may

lessen the need for extensive, time-consuming, expensive clinical trials on agents that are found to be ineffective in the model system. The Panel expects that, at a minimum, adequate clinical studies would be conducted to confirm and validate the results of model studies if performed. For example, a small closed population could probably be found in which the infection rate of small wounds could be determined. With adequate controls and experimental design, it could then be demonstrated that application of a topical antibiotic did or did not alter the normal infection rate.

A variety of strategies are available to limit the number of subjects in these clinical studies, including sequential designs and use of artificially induced wounds in volunteers. It is suggested that prophylactic trials not be initiated unless there is sufficient evidence to suggest that they will show a beneficial effect for the tested products.

REFERENCE

(1) Hill, A. B., "Principles of Medical Statistics," 9th Ed., Oxford University Press, New York, 1971.

C. SUMMARY.

The Panel has given careful consideration to the types of studies and types of data to be required for reclassifying a claimed active topical antibiotic ingredient from Category III and placing it in Category I. Effectiveness should be demonstrated by means of randomized controlled clinical trials. In general, to demonstrate effectiveness, the design of the study should have a sound scientific basis (e.g., a randomized, double-blinded, controlled prospective study comparing claimed active ingredients to placebo), the clinical trial should be carefully controlled (e.g., consideration given to selection of subjects representative of the general population as well as diet, activity, travel, etc. of subjects being studied), and quantitative measurement of various parameters appropriate for the claimed effects of the ingredient should be made. The features of a well-designed clinical trial are outlined in § 314.111 (21 CFR 314.111). The Panel believes that a single study of adequate size and design may provide sufficient evidence to make a judgment as to effectiveness. To demonstrate safety, appropriate toxicological studies in appropriate experimental animals and man are required, as outlined elsewhere in this document.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1953 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S. 321, 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Subchapter D be amended by adding new Part 342 to read as follows:

PART 342—TOPICAL ANTIBIOTICS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
342.1 Scope.
342.3 Definitions.

Subpart B—Active Ingredients

342.10 Skin wound protectant.
342.40 Permitted combinations of skin wound protectant active ingredients.

Subpart C—[Reserved]

Subpart D—Labeling

342.50 Labeling of skin wound protectant products.
342.52 Labeling of skin wound antibiotic products.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 342.1 Scope.

An over-the-counter antibiotic product in a form suitable for topical use is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

§ 342.3 Definitions.

For topical preparations when applied at acceptable concentrations, as used in this part:

(a) Skin wound protectant. A safe, nonirritating preparation applied to small, cleansed wounds that provides a protective physical barrier, conforming to the barrier testing for skin wound protectants as published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33140), and may also include a chemical (antibiotic), which neither delays healing nor favors the growth of microorganisms.

(b) Skin wound antibiotic. A safe, nonirritating antibiotic-containing preparation that prevents or treats overt skin infection.

Subpart B—Active Ingredients

§ 342.10 Skin wound protectant.

The active ingredients of the product consist of the following within any maximum dosage limit established:

(a) Bacitracin. Adults and children topical ointment dosage is not less than 500 units of bacitracin per gm of finished ointment dosage form as identified in § 448.510a of this chapter (a unit of potency contained in 13.51 mcg of the bacitracin master standard as identified in § 430.6(a)(2) of this chapter).

(b) *Polymyxin B sulfate.* Adults and children topical ointment dosage is 4,000 to 5,000 units polymyxin B per gm of finished ointment dosage form when used in combination only as identified in § 342.30 (a), (b), (c), and (d) of the bulk antibiotic, the potency of which is not less than 6,000 units of polymyxin B per mg of polymyxin B sulfate as identified in § 448.30(a)(1) of this chapter.

(c) *Tetracycline preparations (chlortetracycline hydrochloride, oxytetracycline hydrochloride, tetracycline hydrochloride)*—(1) *Chlortetracycline hydrochloride.* Adults and children topical ointment dosage is not less than 1 mg of chlortetracycline hydrochloride per gm of the finished ointment dosage form as identified in § 446.510a of this chapter.

(2) *Oxytetracycline hydrochloride.* Adult and children topical ointment dosage is not less than 30 mg oxytetracycline hydrochloride per gm of the finished ointment dosage form as identified in § 446.567b of this chapter.

(3) *Tetracycline hydrochloride.* Adults and children topical ointment dosage is not less than 15 mg tetracycline hydrochloride per gm of the finished ointment dosage form as identified in § 446.581a of this chapter.

§ 342.30 Permitted combinations of skin wound protectant active ingredients.

(a) Polymyxin B sulfate identified in § 342.10(b) may be combined with bacitracin identified in § 342.10(a): *Provided,* That the combination meets the requirement of § 448.510c of this chapter.

(b) Polymyxin B sulfate identified in § 342.10(b) may be combined with chlortetracycline hydrochloride identified in § 342.10(c)(1): *Provided,* That a suitable requirement for certification is established for the combination in § 446.510 of this chapter.

(c) Polymyxin B sulfate identified in § 342.10(b) may be combined with oxytetracycline hydrochloride identified in § 342.10(c)(2): *Provided,* That the combination meets the requirement of § 446.567b of this chapter.

(d) Polymyxin B sulfate identified in § 342.10(b) may be combined with tetracycline hydrochloride identified in § 342.10(c)(3): *Provided,* That a suitable requirement for certification is established for the combination in § 446.581 of this chapter.

Subpart C—[Reserved]

Subpart D—Labeling

§ 342.50 Labeling of skin wound protectant products.

(a) Indications. The labeling of the product may contain any phrase(s) in the definition of a skin wound protectant established in § 342.3(a). Labeling may also include the phrase(s): "Protectant", "protects wounds", "first-aid product", "first-aid for small (minor) cuts, abrasions and burns", "protectant for small (minor) cuts, abrasions and burns", "protects against wound contamination".

(b) Warnings. The labeling of the product contains the following warnings under the heading "Warning", which may be combined to eliminate duplicative words or phrases so the resulting warning is clear and understandable:

(1) "Caution: In case of deep or puncture wounds or serious burns see a physician".

(2) "Do not use longer than 1 week".

(3) "If itching, redness, swelling or pain develops or increases, it may be a sign of infection or allergy. Stop use and see a physician".

(4) "Do not use in the eyes".

(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash or hand eczema".

(c) Directions for use. The labeling of the product contains the statement: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily".

§ 342.52 Labeling of skin wound antibiotic products.

(a) Indications. The labeling of the product may contain any phrase(s) in the definition of a skin wound antibiotic established in § 342.3(b). Labeling may also include the phrase(s): "Decreases bacteria", "helps prevent or guard against skin infection", "helps reduce the risk (and/or chance) of infection", "helps reduce the number of bacteria on the treated area", "helps protect wounds against infection", "first-aid product", "broad spectrum (if applicable)", "treats infection", "antibiotic medication for skin wounds". In addition, any phrase in the definition of a skin wound protectant may be used.

(b) Warnings. The labeling of the product contains the following warnings under the heading "Warning", which may be combined to eliminate duplicative words or phrases so the resulting warning is clear and understandable:

(1) "Caution: In case of deep or puncture wounds or serious burns see a physician".

(2) "Do not use longer than 1 week".

(3) "If swelling or pain increases, or if itching and redness develop, stop use and see a physician".

(4) "Do not use in the eyes".

(5) "Do not use on long-standing skin conditions such as leg ulcers, diaper rash or hand eczema".

(c) Directions for use. The labeling of the product contains the statement: "After gentle washing, apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily".

Interested persons are invited to submit their comments in writing (preferably in quintuplicate and identified with the Hearing Clerk document number found in brackets in the heading of this document) regarding this proposal on or before June 30, 1977. Such comments should be addressed to the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before August 1, 1977. Received comments may be seen in the above office during working hours, Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Housing Clerk, Food and Drug Administration.

Dated: March 22, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-9170 Filed 3-31-77;8:45 am]

federal register

FRIDAY, APRIL 1, 1977

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Appeals from Flood Elevation Determination and Judicial Review

Proposed Flood Elevation Determinations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2821]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Woodland, Cowlitz and Clark Counties, Washington

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Woodland, Cowlitz and Clark Counties, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Woodland City Hall, 100 Davidson Avenue, Woodland, Washington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Leone Foglia, Mayor of Woodland, P.O. Box 9, Woodland, Washington 98674. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lewis River	Spruce Avenue (extended).	38
	Cherry Blossom Lane (extended).	36
	C C Street Bridge	34

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9247 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2820]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Leavenworth, Chelan County, Washington

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Leavenworth, Chelan County, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Council Chambers, 815 Front Street, Leavenworth, Washington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Carol Christenson, City Clerk, P. O. Box 287, Leavenworth, Washington 98826. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Wenatchee River	Confluence with Chumstick Creek.	1,078
	U.S. Highway 2	1,097
	Downstream corporate limits extended.	1,106
Chumstick Creek	Mouth	1,078
	Limit of flooding affecting the community.	1,090

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9248 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2819]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the County of Pacific, Washington

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Pacific, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the County Courthouse, 300 Memorial Avenue, South Bend, Washington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Clara Korevaar,

Chairman of the Board of County Commissioners, P.O. Box 97, South Bend, Washington 98586. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Willapa Bay at Tokeland Peninsula.	N.E. Side of peninsula.	10
	S.W. side of peninsula.	11
Willapa Bay at North Beach Peninsula.	From Oysterville approach road to approximately 2,800' South of Klispan Rd.	11
	From 2,800' South of Klispan Rd. to 200' North of Olson Rd.	10
Willapa River	South Bend to Raymond.	11
	Raymond to Willapa	11
Pacific Ocean at North Beach Peninsula.	From Oysterville approach road to Oceanside.	21
	From Oceanside to approximately 1,000' South of Knowles Slough.	19
Columbia River Chinook.	1,300' North of Prest Road to about 700' Northwest of Houchen St.	8
	Houchen Street to the limit of study.	10
Naselle River	Confluence with Dell Creek.	13
	At Highway 401 Crossing.	15
	Confluence of Salmon Creek.	21
	At State Highway 4	22
	Limit of detailed study.	31
South Fork Naselle River.	County Rd.	15
	Private Rd.	28
	Davis Creek confluence.	35
	Burnham Creek confluence.	45
Salmon Creek	Upper Naselle Rd	21
	State Highway 4	46
Willapa River at Lebam.	Lebam Rd.	173
	State Highway 6	173
	Confluence of Half Moon Creek	176
	200' downstream of Penny Creek confluence.	184

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9249 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2818]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Vinton, Roanoke County, Virginia

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Vinton, Roanoke County, Virginia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Council Chamber, Town Hall, 227 South Pollard Street, Vinton, Virginia.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Ronald H. Miller, Town Manager, P.O. Box 338, Vinton, Virginia 24179. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum 1929
Roanoke River	Downstream corporate limit.	895.0
	Upstream corporate limit.	901.0
Tinker Creek	N. & W. RR	904.0
	Virginia Ave	911.0
	Wise Ave	914.3
	Upstream corporate limit.	918.3
Glade Creek	At mouth	911.3
	Vinton Mill Rd	913.0
	N. & W. RR	922.5
Wolf Creek	do	905.0
	Niagara Rd	906.5
	Va. Route 634 Bridge	1,037.5
	Highway 24 (west lane).	1,037.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9250 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2817]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Loudoun County, Virginia

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for Loudoun County, Virginia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the County Administrator's office, 18 North King, Leesburg, Virginia 22075.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Phillip A. Bolen, County Administrator of Loudon County, 18 North King, Leesburg, Virginia 22075. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
South Fork Catoctin Creek.	Confluence with North Fork Catoctin Creek.	340
	State Route 698	352
	State Route 9	388
	State Route 738	403
	State Route 287	430
	State Route 711	463
North Fork Catoctin Creek.	State Route 681	343
	State Route 287	400
	State Route 9	422
Tuscarora Creek	State Route 653	221
	State Route 654	268
	State Route 15	322
Dry Mill Branch	Confluence with Tuscarora Creek.	327
	Lessburg corporate limits.	348
	State Route 699	369
Sycolin Creek	Confluence with Goose Creek.	236
	State Route 653	273
	State Route 643	292
	State Route 653	297
	State Route 649	312
	State Route 621	328
	State Route 660	359
	State Route 15	385
	State Route 797	388
	State Route 770	443
South Fork Sycolin Creek.	Confluence with Sycolin Creek.	372
	State Route 15	391
Broad Run	State Route 7 to Potomac River.	212
	Confluence with Beaverdam Run.	216
	Confluence with Cabin Branch No. 2.	219
	State Route 635	225
	State Route 607	226
	Confluence with Horsepen Run.	234
	Confluence with Cabin Branch No. 1.	263
	Confluence with South Fork Broad Run.	268
	State Route 659	274
	State Route 621	275
Russell Branch	Confluence with Beaverdam Run.	216
	State Route 607	218
Beaverdam Run	Confluence with Broad Run.	216
	State Route 607	218
	Abandoned railroad	228
	State Route 641	238
Cabin Branch No. 1.	Confluence with Broad Run.	263
Cabin Branch No. 2.	do	219
	State Route 28	235
South Fork Broad Run.	Confluence with Broad Run.	268
	State Route 621	273
	U.S. Route 50	298
Sugarland Run	Potomac River backwater.	200
	Thomas Ave	229
	County limits	233

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968) effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9251 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2816]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Whitpain, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Whitpain, Montgomery County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Building, 960 Wenty Road, Blue Bell, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Rita M. Cogan, Township Manager of Whitpain, P.O. Box 800, Blue Bell, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stoney Creek	Township Line Rd.	196
	Confluence with east tributary Stoney Creek.	200
	Cortez Rd. (extended).	208
	Manck Rd. (extended).	217
	North Wales Rd.	225
East Tributary Stony Creek.	Confluence with Stoney Creek.	200
	Erbs Mill Rd.	200
	Sylvan Dr. (extended).	204
	Dawz St. (extended)	200
East Tributary Stoney Creek—continued		
	Muhlenburg Dr. (extended).	208
	Sullivan Dr. (extended).	212
Wissahickon Creek	Butter Pike	181
	Oak St. (extended)	184
	Mt. Pleasant Rd	188
	Mathers Rd	196
	Confluence with Willow Run.	202
	Corporate limits	206
	do	217
	Blue Bell Pike	220
	Upstream corporate limits.	229

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

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J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9252 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2815]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Hamburg, Berks County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Hamburg, Berks County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Office, 31 North 3rd Street, Hamburg, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Charles L. Clark, Borough Manager of Hamburg, 31 North 3rd Street, Hamburg, Pennsylvania 19526. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Kaercher Creek	Upstream corporate limits.	405
	Pine St	392
	South 4th St	375
	Peach Alley	364
	Con Rail	362
	Pennsylvania Route 61.	353
Mill Creek	Upstream corporate limits.	416
	Franklin St	394
	State St	380
	South 3d St	368
	Con Rail	362
	Front St	357
Schuylkill River	Upstream corporate limits.	373
	Mountain Ave. (extended).	364
	Route 22	361
	Island St. (extended)	357
	State St	354
	Pennsylvania Route 61.	354
	Confluence with Mill Creek.	350
	Downstream corporate limits.	336
Unnamed tributary of the Schuylkill River.	South 4th St	350
	Con Rail	343

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9253 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2814]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Concord, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Concord, Delaware County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Municipal Building, 250 Smith Bridge Road, Concord, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John W. Cornell, Township Manager of Concord, P.O. Box 171, Concordville, Pennsylvania 19331. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
West Branch Chester Creek.	Smith Bridge Rd	183
	Ivy Mill Rd	192
	Baltimore Pike	245
	Conchester Ave. (extended).	311
South Fork West Branch Chester Creek.	Concord Rd	252
	Temple Rd	270
	Smith Bridge Rd	314
Green Creek	Glover Dr. (extended).	185
	Concord Rd	192
	Cambridge Dr. (extended).	238

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9254 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2813]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Burnham, Mifflin County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Burnham, Mifflin County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Office, 1st Avenue, Burnham, Pennsylvania 17009.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Aurand, 547 Freedom Avenue, Burnham, Pennsylvania 17009. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Kishacoquillas Creek.	Downstream corporate limits.	502
	Confluence with Hungry Run.	508
	Freedom Ave	512
	Next upstream corporate limits.	529
	Con Rail	533
	State Route 4	536
	Dam	546
	North Derby St	557
Hungry Run	Mouth at Kishacoquillas Creek.	508
	Walnut St. and Freedom Ave.	518
	1st Ave	528
	Upstream limit of detailed study.	528

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9255 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2812]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Hunting Valley, Cuyahoga County, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Hunting Valley, Cuyahoga County, Ohio.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, Hunting Valley, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Quintin Alexander, 38251 Fairmont Road, Chagrin Falls, Ohio 44022. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chagrin River	Northern corporate limits.	744
	Fairmont Rd.	756
	South Woodward Rd.	787
	Southern corporate limits.	790

(National Food Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9256 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2811]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Gates Mills, Cuyahoga County, Ohio

The Federal Insurance Administrator, in accordance with Secton 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Gates Mills, Cuyahoga County, Ohio.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Gates Mills, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John M. Morston, River Road, Gates Mills, Ohio 44040. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chagrin River	North corporate limits (Rogers Rd.).	686
	Chagrin River Rd.	703
	Sherman Rd. (extended).	712
	Mayfield Rd. (U.S. 322).	716
	Old Mill Rd.	733
	Deerfield Rd. (extended).	738
	South corporate limits.	743

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9257 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2810]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Riverside, North Dakota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Riverside, North Dakota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 108 West Main Avenue, West Fargo, North Dakota 58078.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Winge, City Hall, 108 West Main Avenue, West Fargo, North Dakota 58078. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sheyenne River	Burlington Northern R.R.	901
	Northern corporate limits.	902

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9258 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2809]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Chapel Hill, North Carolina

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Chapel Hill, North Carolina.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James C. Wallace, Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Creek	Corporate limits	251
Rolin Creek	State Rd. 1789	358
	Airport Rd	308
	Willow Dr	302
Booker Creek	Piney Mountain Rd	383
	Lake Shore Dr	302
	Willow Dr	255
Cedar Fork Creek	Kenmore Rd	431
	Brookview Dr	325
	Lake Shore Dr	308
Newopell Creek	State Rd. 1734	266
Church Branch	do	289
Unknown Creek	do	281
Old Field Creek	North Carolina Highway 86.	441
Old Field Tributary.	State Rd. 1726	268
Morgan Creek (below University Lake).	Smith Level Rd	320
	U.S. Highway 51 and 501.	310
	Treatment Plant Rd	261
Wilson Creek	State Rd. 2002	394
	U.S. Route 15 and 501.	331
Fan Branch	State Rd. 1962	386
Toms Creek	Rainbow Dr	463
	Lorraine Street	448
	Weaver Street	436
	State Rd. 1005	368
Morgan Creek Tributary.	North Carolina Highway 54.	469
Buck Branch	State Rd. 1008	376

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Admintrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9259 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2808]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Somerset, Niagara County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Somerset, Niagara County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's office, 1693 Quaker Road, Barker, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Donald W. Eich, Town Clerk of Somerset, 1878 Quaker Road, Barker, New York 14012. The period for comment will be ninety days following the second publication of this notice in a newspaper or local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Golden Hill Creek	Downstream corporate limits.	263
	Carmen Rd., 1st crossing.	272
	Lower Lake Rd	275
	Carmen Rd., 2d crossing.	277
	Carmen Rd., 3d crossing.	300
	Lake Road	316
	Johnson Creek Rd.	324
	Haight Rd.	324
	Barker corporate limits downstream.	325
	Barker corporate limits upstream.	328
	Con Rail	331
	1st Tributary downstream of Hartland Rd.	333
	Hartland Rd. (downstream side).	337
	Hartland Rd. (upstream side).	339
	W. Somerset Rd.	340
	Hosmer Rd.	354
Fish Creek	At Lake Ontario	250
	800' upstream of mouth.	252
	100' downstream of lower Lake Rd.	257
	Lower Lake Rd.	266
Lake Ontario	From West corporate limit, distance 18,700'.	254
	From 18,700' to 37,000' from west corporate limits.	253
	From 37,000' to East corporate limit.	254

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9260 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2807]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Falconer, Chautauqua County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Falconer, Cautauqua County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Food Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Community Building, 101 West Main Street, Falconer.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mrs. Zira James, Village Clerk of Falconer, Community Building, 101 West Main Street, Falconer, New York 14733. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chadakoin River	Con Rail	1,251
	Phetteplace St.	1,255
	Dow St.	1,261
Moon Brook	West Main St.	1,258
	Richard Ave.	1,265

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9261 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2806]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Mayville, Chautauqua County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Mayville, Chautauqua County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, South Erie Street, Mayville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Doyle E. Murdink, Village Clerk, Mayville, New York 14757. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Black Creek	Con Rail bridge	1,319
	Spillway	1,321
	East Chautauqua Street Bridge (Route 17).	1,322
	Culvert	1,338
	Farm Lane	1,353
	Maple Drive Bridge	1,358
	Corporate limits	1,427
Black Creek (sheet flow).	East Whallon St.	(2)
Little Inlet	Mouth at Chautauqua Lake.	1,311
	East Whallon St.	1,311
	Culvert	1,311
	do	1,321
	Confluence with Black Creek.	1,314
	Corporate limits	1,315
	Con Rail bridge	1,318
	Honeysette Road Bridge.	1,321
	Corporate limits	1,322
Mud Creek	Mouth at Chautauqua Creek.	1,311
	West Lake Road Bridge.	1,311
	Corporate limits	1,311
	Con Rail bridge	1,312
	Corporate limits	1,312
	Morris Street Bridge	1,318
	Corporate limits	1,319

See footnotes at end of table.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chautauqua Lake...	Shoreline (contiguous to the village area extends for a distance of approximately 7,200 feet within the village limits).	1,311

[1] Estimated depth of 0.5.

NOTE: A local flood hazard problem exists in the area between Chautauqua Lake and the intersection of Valley and West Marvin St. Since the flood hazard area is delineated by approximate methods, base flood elevations are not determined.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 15, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9262 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2805]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Glen Cove, Nassau County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Glen Cove, Nassau County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review in the Main Chamber at the City Hall, 18 Bridge Street, Glen Cove, New York 11542.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Vincent A. Suozzi, Mayor of Glen Cove, City Hall, 18 Bridge Street, Glen Cove, New York 11542. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Island Sound.	East corporate limits	13
	Sanview Dr. (extended).	13
	Graves Point Rd. (extended).	13
	South corporate limits	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 15, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9263 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2804]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Sea Cliff, Nassau County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980 which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Sea Cliff, Nassau County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, Sea Cliff and Summit Avenues, Sea Cliff, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Lora Nicastro, Village Clerk, Village Hall, Sea Cliff, New York 11579. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hempstead Harbor.	8th Ave. (extended)	13
	20th Ave. (extended)	13
	Laurel Ave. (extended).	13
	Littleworth Lane (extended).	13
	South corporate limits.	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9264 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2803]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Murray, Nebraska

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Murray, Nebraska.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Village Hall, Murray, Nebraska 68409.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Olin E. Morris, Village Hall, Murray, Nebraska 68409. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Rock Creek.	Campbell St. between Cought and Morrow Sts.	1130.6
	Missouri Pacific R.R.	1141.4

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9265 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2802]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Richburg, Allegany County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Floor Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Richburg, Allegany County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected loctions. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Richburg Post Office, Main Street, Richburg.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Genevive M. Stohr, Village Clerk of Richburg, Richburg, New York 14774. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Genesee Creek.	South corporate limits.	1,618
	Broad St.	1,637
	Richardson St.	1,644
	Mill St.	1,661
	East corporate limits.	1,692
West Notch Rd. tributary.	Evans St.	1,659
	North corporate limits.	1,715

(National Flood Insurance Act of 1968 Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9266 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2801]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Gladstone, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Gladstone, Missouri.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The Community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 7010 North Holmes, Gladstone, Missouri 64118.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Jack McCausland, City Hall, 7010 North Holmes, Gladstone, Missouri 64118. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shoal Creek	Missouri Highway No. 1.	830
Mill Creek	Antioch Rd.	895
	North Garfield Rd.	910
	North 58th Ter.	914
	North 60th Ter.	935
Rock Creek	Indiana Ave.	858
	Brook Tree Lane	860
	Antioch Rd.	877
	Prospect Ave.	899

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9267 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2800]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of West Point, Mississippi

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of West Point, Mississippi.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, P.O. Box 1117, West Point, Mississippi 39773.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Kenneth D. Dill, City Hall, P.O. Box 1117, West Point, Mississippi 39773. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Illinois Central Gulf RR.[1]	210
	do.[2]	214
	Church Hill Rd.[1]	215
	do.[2]	215
	Meadowbrook Circle	
	do.[1]	215
	do.[2]	215
	Brame Ave.[1]	218
	do.[2]	219
	Warrior Rd	224
	Miller St.[1]	225
	do.[2]	227
Stream 2	Hickory Dr.[1]	223
	do.[2]	224
	Mississippi State Highway 50.[1]	225
	do.[2]	227
	Colony Dr	234
Town Creek	Church Hill Rd	207
	Alternate U.S. 45 Highway.[1]	210
	do.[2]	211
	Mayhem St.[1]	211
	do.[2]	212
	Illinois Central Gulf RR.[1]	213
	do.[2]	214
	Columbus & Greenville RR.	215
	West Broad St	215
	West Main Street[1]	217
	do.[2]	217
	Bugg St	221
	West Half Mile St	222
	North Division St.[1]	224
	do.[2]	225
	Illinois Central Gulf RR.	228

[1] Downstream side.
[2] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9268 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2799]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Waconia, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–2128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Waconia, Minnesota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at 400 South Oak Street, Waconia, Minnesota 55387.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Wallace Otto, 400 South Oak Street, Waconia, Minnesota 55387. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Waconia	Around the Lake Shore.	963

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9269 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2798]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Algonac, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of

the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood evevations (100-year flood) for the City of Algonac, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 1410 Saint Clair River Drive, Algonac, Michigan 48001.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Karen Cole, City Hall, 1410 Saint Clair River Drive, Algonac, Michigan 48001. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Clair River	Ruskin Ave. and Eckfield Dr.	579
	Norfolk St. and Fassett St.	579
	Delta St.	579
	Roselawn Ct.	579
	Railroad St. and Center Ave.	579
	Railroad St. and Sherwood.	579

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2728, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9270 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2797]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Randolph, Norfolk County, Massachusetts

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Randolph, Norfolk County, Massachusetts.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Crawford Square, Randolph, Massachusetts.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Edward E. Clark, Town Clerk, Office of the Town Clerk, Town Hall, Randolph, Massachusetts 02368. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cochato River	Lincoln Ave.	105
	ConRail	105
	Teed Dr. (extended)	106
	Cochato Dr. (extended).	107
	Kingcrest Ter. (extended).	108
	Young Ter. (extended).	109
Mary Lee Brook	Mill St.	115
	Wilmarth Rd	116
	Argyle Rd. (extended).	118
Unnamed tributary to Mary Lee Brook.	Wilmarth Rd.	120
	Prospect Ave.	130
	Union St.	162
Glovers Brook	North St.	116
	Pleasant St.	119
	Con Rail	155
	Warren St.	173
	Pelissier Circle (extended).	180
Brook A (Stetson Brook).	Carlino Way	118
	Amvets Lane	119
	Con Rail	126
	Dennis Circle (extended).	128
	Allen St.	130
Brook B	Oak St.	132
	Bartlett Rd. (extended).	133
	Green St. (extended)	134
	Clark St. (extended)	135
	Vessy Rd. (downstream crossing).	142
	Vessy Rd. (upstream crossing).	142
Martin Brook	Teed Dr.	108
	North Dr.	114
	Pictun Rd.	117
	Oak St.	131
Norroway Brook	Confluence with Upper Reservoir.	133
	Oak St.	138
	North Main St.	154
	Access road—Boston School for the Deaf.	158
	Access road—Meadow lands.	169
	Grove St.	137
	Wales Ave. (extended).	176
	West St.	183
	Warren St.	186

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

J. ROBERT HUNTER,
Acting Federal Insurance Administrator

[FR Doc.77-9271 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2796]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Baltimore, Maryland

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Baltimore, Maryland.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Department of Planning on the 8th floor, Room 100.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Larry Reich, Director of City Planning of Baltimore, Housing and Community Development, Department of Planning, 8th Floor, Room 100, 222 East Saratoga Street, Baltimore, Maryland 21202. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Gwynns Falls	West corporate limits	288
	Forest Park Ave	262
	Weir	253
	Windsor Mill Rd	184
	Frederick Ave	58
	Wilkens Ave	57
	Western Maryland RR.	46
	Baltimore & Ohio RR.	44
	Washington Blvd	33
	Baltimore & Ohio RR.	26
	Russell St	25
	Baltimore & Ohio RR.	19
	Annapolis Rd	13
Jones Falls	North corporate limits.	208
	Smith Ave	206
	Kelly Ave	204
	Jones Falls Expressway ramp.	199
	Northern Parkway	199
	Jones Falls Expressway ramp.	196
	Penn Central RR	189
	Melvale Ave	186
	Penn Central RR	172
	41st St	163
	Union Ave	152
	Loudontown Bridge	151
	Jones Falls Expressway.	136
	Weir	126
	Keswick Rd	116
	29th St	92
	28th St	88
	Baltimore & Ohio RR.	74
	North Ave	71
Western Run	Mouth of underground culvert 350 feet downstream of Falstaff Rd.	424
	Clarks Lane	413
Western Run	Bancroft Rd	044
	Strathmore Ave	387
	Taney Rd	370
	Footbridge	350
	Pimlico Rd	324
	Bonnieview Dr	269
	Poplin Ave	248
	Lochlea Rd	219
	Greely Ave	211
	Newbury St	207
	Jones Falls Expressway.	206
	Cottonworth Ave	206
Herring Run	Perring Parkway	222
	Woodbourne Ave	225
	Echodale Ave	224
	Pilgrim Rd. (extended).	208
	Sinclair Lane	51
	Harbor Tunnel Thruway bridges.	31
	Pulaski Highway	26
	Baltimore & Ohio RR.	23
	Interstate 95 bridges	18
	East corporate limits	13
Moores Run	Hamilton Ave	87
	Footbridge	67
	Radecke Ave	54
	Sinclair Lane	45
	Harbor Tunnel Thruway.	30
	Interstate 95 bridges	26
	Pulaski Highway	21
	East corporate limits	19
Patapsco River	Intersection:	
	Worcester St. and Warner St.	8.7
	Haines St. and Russell St.	8.7
	Calvert St. and Pratt St.	8.7
	President St. and Pratt St.	8.7
	Central Ave. and Fleet St.	8.7
	Bond St. and Thames St.	8.7
	Washington St. and Fleet St.	8.7
	Chester St. and Alice Anna St.	8.7
	Broadway and Lancaster St.	8.7
	Clinton St. and Holabird Ave.	8.7
	850 feet of Light St.	8.7
	1,950 feet of Childs St.	8.7
	300 feet of Halsey St.	8.7
	500 feet of southern end of Clinton St.	8.7
	200 feet of southern end of Newkirk St.	8.7
	Intersection of Haven St. and Newgate Ave.	8.7
	250 feet of Ben Hill Ave.	8.7
	1,250 feet of Cannery Ave.	8.7
	Intersection of Hawkins Point Rd. and Pennington Ave.	8.7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 77-9272 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2795]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Leavenworth, Leavenworth County, Kansas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1698 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Leavenworth, Leavenworth County, Kansas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed blow for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board, City Clerk's office, City Hall, Leavenworth, Kansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Marguarite B. Strange, City Clerk of Leavenworth, Kansas 66048. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Threemile Creek	Missouri Pacific RR	772
	2d St	772
	3rd St	774
	4th St	779
	5th St	781
	6th St	785
	7th St	786
	Broadway St	787
	Cherokee St	788
	Shawnee St	790
	10th St	792
	Osage St	800

Source of flooding	Location	Elevation in feet above mean sea level
Three mile	13th St	803
	Ottawa St	808
	18th St	828
	20th St	836
	Upstream corporate limits.	849
South branch of Threemile Creek.	At mouth	793
	Shawnee St	797
	11th St	799
	Cherokee St	804
	14th St	813
	18th St	852
	19th St	861
	20th St	870
	Upstream corporate limits.	885
Fivemile Creek	At mouth	772
	Marion St	773
	4th St	779
	2d Ave	784
	Limit St	786
	Shrine Park Rd	791
	Desoto Ave	816
	New Lawrence Rd	836
	Upstream corporate limits.	845
Missouri River	Downstream limit of study.	771
	Burlington Northern RR.	773
	Highway 92	774
	Upstream corporate limits (extended).	774

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9273 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2794]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Paola, Miami County, Kansas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Paola, Miami County, Kansas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 19 East Peoria, Paola, Kansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. F. M. Hoag, City Manager, Box 409, Paola, Kansas 66071. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Big Bull Creek	Upstream corporate limits.	868
	Iron St	868
	4th St. (extended)	866
	Peoria St	865
	Missouri Pacific RR	863
	St. Louis, San Francisco RR.	860
	Highway 169	859
	Downstream corporate limits.	858
Hickory Creek	East St	871
	Hickory St	858
	Bridge in park area	858
Tributary to Hickory Creek.	Ottawa St	867
	Osage St	863
M.K.T. Tributary to Big Bull Creek.	Upstream corporate limits.	873
	Silver St	873
	Missouri Pacific RR	873
	Iron St	867
	St. Louis, San Francisco RR.	867

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9274 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2793]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Riverdale, Scott County, Iowa

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Riverdale, Scott County, Iowa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Elmhurst Lane, Riverdale, Iowa.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Ralph I. Brooks, 209 Manor Drive, Riverdale, Iowa 52722. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Mississippi River	Downstream corporate limits.	574
	South Bellingham Street (extended).	574
	Upstream corporate limits.	575
Duck Creek	Alcon RR	574
	Davenport, Rock Island and Northwestern RR.	576
	Upstream corporate limits.	579

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9275 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2792]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Muscatine, Muscatine County, Iowa

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Muscatine, Muscatine County, Iowa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Council Chambers, City Hall, 2485 Mulberry Avenue, Muscatine, Iowa.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Evelyn L. Schauland, City Hall, 2485 Mulberry Avenue, Muscatine, Iowa 52761. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	Highway 92 Bridge	560
Mad Creek	2d St.	560
	5th St.	560
	Washington St.	560
	Clay St. (upstream)	570
	Lake Park Blvd. (upstream).	573
	Old Highway 38 (upstream).	601
	North corporate limits.	606
Geneva Creek	Isett Ave.	567
	Bidwell Rd.	597
	Tipton Rd.	631
	North corporate limits.	643

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9276 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2791]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of South Bend, St. Joseph County, Indiana

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of South Bend, St. Joseph County, Indiana.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact sticter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the main lobby on the Bulletin Board, 1400 County-City Building, South Bend, Indiana.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Peter J. Nemeth, on these determinations shou meth, Mayor of South Bend, 1400 County-City Building, South Bend, Indiana 46601. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Joseph River	Northern corporate limits.	666
	Cleveland Rd.	668
	Colfax Rd. (extended).	669
	Oakwood Blvd. (extended).	671
	Riverside Court (extended).	673
	Con Rail	674
	Angela Blvd.	675
	Michigan St.	677
	Navarre St. (extended).	678
	La Salle St.	679
	Jefferson Blvd.	686
	George Cooper Bridge.	687
	Emerson Ave. (extended).	688
	23rd St. (extended)	689
	Eastern corporate limits.	690
Bowman Creek	U.S. Highway 33	689
	Grand Trunk Western R.R.	699
	Con Rail	701
	Broadway St.	712
	Duball Ave.	718
	Dayton St.	723
	Calvert St.	727
	Fellows St.	734
	Carroll St.	736
	St. Joseph St.	739
	Michigan St.	744
	Main St.	748
	Con Rail	752
	Franklin St.	754
	Confluence with Phillips Ditch.	761
Clyde Creek	Tyckenham Dr.	744
	York Rd.	747
	Cardine Lane.	752
	Ridgedale Rd.	762
	Hillsdale Rd.	771
	Tudor Lane	776
	Woodmont Dr.	781
	Brookmede Dr.	785

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9277 Filed 3-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2790]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Venice, Madison County, Illinois

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917, hereby gives notice of the proposed determinations of base flood elevations (100-year flood)

for the City of Venice, Madison County, Illinois.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Venice.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William M. Ebersoldt, Kline and Broadway, Venice, Illinois 62090. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	West of Levee	429
Local ponding	Near intersection of Bremen St. and Main St.	410
	Between Slough Rd. and Main St.	410
	Intersection of 4th St. and Hampden St.	409
	Intersection of Fillmore St. and 7th St.	411
	Intersection of Weaver Ave. and Bissel Ave.	411

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 15, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

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federal register

FRIDAY, APRIL 1, 1977

PART V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160f]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Notice of Proposed Rulemaking

The Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations in Part 160f of Title 45 of the Code of Federal Regulations governing the Women's Educational Equity Act Program in order to:

(1) Eliminate priority areas for general grants and thereby open competition on an equal basis to any proposed project which conforms to the statute;

(2) Simplify the preapplication process by reducing the length of the narrative statement and by explaining in detail the information required and the specific criteria by which preapplications are reviewed;

(3) Modify and clarify the terminology for two key programmatic concepts; and

(4) Adjust the evaluation criteria for final applications and the basis for award decisions.

In addition, the proposed rule makes several clarifying and technical changes.

The changes to the regulation propose in this notice reflect public participation following publication in the FEDERAL REGISTER on October 21, 1976 of an Advance Notice of Proposed Rulemaking in which advice was solicited on certain programmatic and administrative changes.

In order to facilitate use by the public and to permit comment on the entire regulation, the regulation is being printed in its entirety, including the proposed amendments as well as portions which have not been changed. If only references to the changes were printed, members of the public would be required to use two documents in order to have one complete regulation. Potential commenters and applicants are advised that the preamble to the current regulation published February 12, 1976 (41 FR 6420), contains useful information, in the form of a discussion of earlier public comments on the regulation, concerning most of the provisions contained in the proposed regulation.

A. BACKGROUND

The Women's Educational Equity Act Program is a discretionary program in the Office of Education authorized by the Education Amendments of 1974, Pub. L. 93-380, with a stated purpose to provide eduactional equity for women. This is defined in both the current and this proposed regulation as including both the elimination of inequity which prevents full and fair participation by women in educational programs and in American society generally and the achievement of responsiveness by educational leaders and other personnel to the special eduaational needs, interests, and concerns of women arising from inequitable educational policies and practices.

The Act authorizes activities at all levels of education: preschool, elementary and secondary education, higher education, and adult education. The Act provides likewise for an extremely broad range of program activities: the development, evaluation, and dissemination of curricula, textbooks, and other educational materials; training for educational personnel; research and development; guidance and counseling activities; educational activities for adult women; educational programs for women in vocational education, career education, physical education, and educational administration.

Both grants and contracts may be awarded in the areas listed above. In fiscal year 1976, the first year of program operation, contracts were awarded for two major national activities: technical assistance in the implementation of Title IX of Pub. L. 92-318 and a communications network to provide a wide range of information services to individuals and institutions. In addition to general grants in the areas described above, the statute authorizes a program of small grants, not to exceed $15,000, in order to support innovative approaches to the achievement of educational equity for women.

The law specifies that public agencies, private nonprofit organizations, and individuals are eligible for awards under the program.

The enabling statute authorizes Congress to appropriate as much as $30,000,000 for each of the fiscal years 1976-1978. Congress appropriated $6,270,000 for the program in fiscal year 1976 and $7,270,000 in fiscal year 1977. In fiscal year 1976 awards were made for 46 general grants, 21 small grants, and five contracts.

B. PUBLIC RESPONSE TO THE ADVANCE NOTICE OF PROPOSED RULEMAKING

The Commissioner of Education received a large number of comments in response to the Advance Notice of Intent to issue proposed regulation changes. Approximately 700 separate comments were made in approximately 160 letters or other written communications. In addition, the National Advisory Council on Women's Educational Programs, established under subsection (f) of the Act, conducted a review of the present regulation and of the Advance Notice of Proposed Rulemaking and provided its recommendations to the Commissioner both orally and in writing.

All of these comments and recommendations have been reviewed by the Commissioner. Summaries of the comments on the Advance Notice of Proposed Rulemaking are set forth in the preamble below grouped by topics included in the Advance Notice, together with general responses regarding the manner in which the public's advice has been incorporated in this amendment to the program regulation. A detailed explanation of the changes which are being proposed is set forth on a section by section basis in the final part of this preamble.

The overall reaction to the Advance Notice of Proposed Rulemaking was favorable, particularly regarding the purpose of the notice and its drafting. A number of comments welcomed enthusiastically the opportunity to participate in the formulation and design of program priorities and other matters regarding this program.

The comments were characterized by their diversity, especially regarding the most critical needs in the program area. The disparate nature of the recommendations and comments may not be surprising in view of the recency of the legislation and rapid increase in concern by a variety of groups for the achievement of educational equity for women. The broad scope of activities and eligible applicants as well as the full range of educational levels authorized by the Act contribute to competition among groups for priority consideration. The situation is further compounded by the extent of the need and the limited funds available. The Commissioner has weighed the advice very carefully and proposed in this amendment to the regulation the course of action which is most responsive to the comments and will permit effective administration of the Act.

The public comments on the topics addressed in the Advance Notice are summarized below. References to percentages of comments refer in each instance to the percentage of the total number of comments received. The indicated numbers and percentages of responses do not distinguish between individual and organizational responses.

1. *Initial 1976 and additional 1977 priorities for general grants.*

(a) (i) *General. Comments.* There was a mixed reaction to continuing the 1976 priority areas for general grants into 1977 and adding the proposed new ones for special level of education and for special target populations. Several comments suggested that no priority areas be added because those used in 1976 were adequate. These comments expressed a concern that the WEEAP budget is too small to fragment the program into further priority areas. Several comments supported broadening the scope of the 1976 priority areas whereas several comments wanted the scope narrowed. Some comments suggested dropping last year's priorities and developing completely new ones. Some of the new priority areas suggested were: sports, textbooks, dissemination, incentives for change, community and societal change, and mental health.

(ii) *Special level of education. Comments.* Of the 147 written responses received, 95 or 64% included comments on the proposed priority for the preschool level. Seventy comments or 47% supported the priority and 25 or 17% opposed it. Some written responses were made on behalf of groups and were given more weight than those submitted by individuals. For example, the National Coalition for Women and Girls in Education, representing 22 national organizations, representing a wide variety of interest groups, opposed this priority. They commented: "We believe that although the preschool period is a time when sex role concepts are developed, it would be an unwise use of scarce resources to sin-

gle out this level of education for special emphasis at this time." Others opposed to this priority indicated that Federal funding is available for this level of education and, rather than use WEEA resources, the issues of sex bias should be addressed in those ongoing programs.

Comments in support of the priority were extremely diverse in terms of recommended age level, materials development for programs for children as opposed to training of teachers and parents, and program within the established educational system (K-3) as opposed to day care and preschools. The comments responding to questions about the emphasis on research, the use of Head Start and Follow Through, and the importance of conceptual models were also varied.

(iii) *Special target populations. Comments—rural populations.* Seventy responses addressed the proposed priority on rural populations. Forty-two responses positively supported this priority, while twenty-two responses opposed it.

One obvious problem was the many different concepts of the term "rural," which included varied implications of regional identification versus population density. "Perhaps the income level of a region to be directly affected by a grant could be a criterion for 'rurality'" was one suggestion. Another letter advised "not to depend on statistical data because there are large population groupings with essentially 'rural' attitudes as well as small populations, seemingly rural, but contiguous to metropolitan areas and thus greater exposure to metropolitan attitudes." And still another wrote: "We feel that *nonmetropolitan* areas as identified by the Bureau of the Census would be a preferable designation for identifying program participants, rather than *rural* areas. Note that both metropolitan and nonmetropolitan areas contain urban and rural populations." (Emphasis in original.) One response called for an urban and rural priority.

Positive support came from a variety of sources. One major land grant college expressed its support for providing leadership education for women whose roots are essentially rural. A teacher who called herself a "proponent of women's issues in a rural regional high school," stated that "I see over and over again the low esteem and limited goals of female students." Others indicated support for special materials development and/or the use of audiovisual media.

Non-support for the rural priority came from different areas of the Nation. A large State educational agency's special WEEA Committee expressed their non-support "for the following reasons: (a) the percentage of people living in rural environments does not justify the priority, and (b) the impact that could be made on the rural population is minimal given the present funding level and the deeply engrained norms and mores of the rural community."

From the Texas State Department of Public Welfare came the statement: "I would urge you to consider that less than 15% of the U.S. population is rural. * * * We need first to ensure that densely populated areas obtain first priority."

A midwest school district women's studies program called attention to "the national trend of declining student enrollment which will create an increasingly older teaching population in the Nation's public schools," and stated that "it is crucial that retraining programs be initiated for personnel in key positions in public education to effectively deal with the issue of sexism. We believe the priority areas for the WEEA grants should concentrate on retraining programs and not on rural populations."

From the University of Wisconsin, an associate dean wrote: "Given the range of issues and problems which demand resolution and given the expertise which has developed, especially in recent years in research within the feminist movement, general priorities and specifications seem more appropriate than the specific target populations and groups as are being proposed."

Comments — minority populations. Only 44 comments or 30% commented on the issues listed. This was a minimal response, which could be attributed to either tacit approval or a desire not to be involved with a potentially controversial issue. One large SEA and a large State university answered "no comment" to these particular questions. Three percent of the comments expressed the view that there should be no special focus on the needs of minorities or if there is a focus it should be concerned with all women, not a selected target group. One respondent representing an affirmative action office of a State college stated that there was "no need to base a priority on geographical or racial considerations. If other priorities are met adequately, the effects should be felt across geographical and racial bounds." Four percent wished to change the target population completely and focus on such areas as poverty, job opportunities, aging, and juvenile delinquents.

Although 10% of the respondents said that they supported a new priority area focus for the needs of those characterized by historic discrimination on bases other than sex, the majority of them qualified this by stating that research was needed to investigate, identify, and develop resources to assist this population. Approximately 8% favored this type of research.

There was concern that educational equity should be for all women and to focus efforts on certain groups could dilute the efforts of the program and possibly be counterproductive.

(b) *Response to comments on priorities.* After weighing carefully the differing points of view from the public regarding the priorities for general grants, the Commissioner has decided, with the advice of the Council, which reviewed the public comments, not to adopt the additional priority areas for special level of education and special target populations which were proposed in the Advance Notice of Proposed Rulemaking for fiscal year 1977. Further, the three priority areas in the current regulation are eliminated in this proposed amendment. Although applications can continue to address needs in these areas, it was not felt that projects in these areas alone should receive priority consideration. Clearly, the collection of comments does not reveal a consensus upon which priorities ought to be established. In the absence of a consensus the Commissioner has determined it most responsive not to impose priorities and therefore add no additional points but rather to permit each applicant to compete equally. This approach allows applicants to determine the focus of their submissions which may or may not fall within last year's priorities or those described in the Advance Notice of Intent and which may be for other areas contained in the comments and recommended as priorities, such as, sports, textbooks, and mental health.

Applicants for general grants, therefore, may propose any project which falls within the scope of the law without losing any points attached to substantive priorities. Guidance on types of projects may be found in the six activities which are listed in the statute and quoted in the regulation in § 160f.4(a). These activities are stated in broad terms and should not limit the creativity of applicants.

In the absence of priority areas, applicants may develop applications according to their own priorities within educational equity for women. They must specify the need, describe their approach to meeting the need, and demonstrate the importance of the results as they would impact on providing educational equity for women in the United States through this program.

On the one hand, the absence of priorities permits greater freedom and flexibility to applicants to fashion their own project. On the other hand, greater responsibility is placed upon the applicant to design both the general approach or vehicle for achieving educational equity for women (which under the current regulation is provided by the exposition of each priority area) as well as the specific objectives of an individual project effort.

There are advantages and disadvantages in each approach. Having balanced carefully which is the best course of action in view of the conflicting advice of the public about additional priorities and the fact that a number of projects were funded in FY 1976 in the current priority areas, the Commissioner proposes this amendment without priority areas.

2. *General comments on changing priority areas—Comments.* Several comments addressed this area, but again there was no clear-cut agreement among them. Several comments said that priorities should be reviewed annually; others, every two or three years. Generally, the comments stated that the priority areas should be changed as their purposes are fulfilled and there is no longer a need for them. Several comments stated a need for very specific priority areas while

others expressed a desire for priority areas that gave only general guidance.

Response. The proposed amendment would permit the establishment of priorities in any given year by publication of the priorities in an appendix to the regulation. Priorities could be presented either very generally or very specifically. The proposed amendment thus leaves the options open for determination on an annual basis. But no priorities are proposed for FY 1977.

3. *Small grants—Comments.* Approximately 70 separate comments addressed themselves to the question of small grants. On the issue of whether or not focus should be provided in the small grant program, 13% of the respondents favored limited or a strict focus and 8% favored no specific focus. Those opposing a specific focus expressed the view that having no focus allowed for more innovation, creativity, and wider experimentation in various areas. Those favoring limited or strict focus cited the small amount of money available and felt that it should be used for specific program concepts, that applicants needed more guidelines because of the competition, and that the focus for one year could determine the priorities for the next years.

Another area of concern was the direction that the small grant program might take. Twenty-seven percent of the commenters expressed the opinion that the grants should support research, research utilization, and school-community activities. Materials development and dissemination of products from ongoing projects were frequently discussed. A large number thought that this would be an excellent opportunity to support the utilization of programs and products developed by other WEEA projects. Some commenters suggested that capacity building be eliminated altogether for small grants, and ten percent favored the idea of encouraging and promoting individuals to apply for small grants. They did not favor scholarships or direct aid type funding. There was some misunderstanding on the part of some commenters as to the eligibility of individuals for FY '76.

The overall reaction to the small grant program was a positive one in terms of its retention as an important part of the WEEA Program.

Response. In response to the public advice, a focus has not been proposed for the small grant program. A number of important topics were proposed by those individuals and organizations which favored priorities. The Council in its comments recommended several, including assistance to applicants inexperienced in applying for Federal programs so that they will be better able to compete for funding. Failure to establish priorities or a focus to the program does not mean that the recommended areas are not deemed important. Despite a number of excellent subjects for proposed projects, however, there was not sufficient support to restructure the program to establish priorities or to limit applications to only a few topics.

On the other hand, there was significant support to permit projects after fiscal year 1977 to provide further testing and initial utilization of programs and projects developed and validated under WEEA projects. An appropriate modification has been made in the proposed amendment.

The program requirement for capacity building (development of model programs or products) has not been eliminated for the small grant program to provide purely local benefits. A definition of the term "capacity building" has been added in § 160f.2 and a synonym provided to increase understanding of the concept. Specifically, clarification of the meaning of "national" used with the term is included along with several examples.

A factor has been added to the general evaluation criteria regarding commitment, which may be demonstrated through financial contributions. It is expected that this addition will have some impact on the high indirect costs which were a matter of concern to respondents. The Office of Education has no authority to deny the indirect costs to which a grantee is entitled, but contributions by an applicant may be a factor considered in selecting project recipients.

Likewise, no class of applicant, such as individuals, may be given preference over other classes of applicants (public agencies or non-profit organizations) which are equally eligible under the law as enacted by Congress. Through better dissemination, such as through the Advance Notice of Proposed Rulemaking and other means, the Office of Education is trying to communicate more effectively with individuals, many of whom may not have understood that they were eligible applicants or what would be required of them as a recipient of a small grant award.

4. *Revisions to certain administrative procedures. Comments.* There was an overwhelming endorsement for the continuation of the preapplication process. Most of the comments favored a brief preapplication, agreeing that without it fewer organizations and institutions would apply. They also agreed that this would not be desirable as only those groups which are highly skilled in obtaining Government funding would apply.

Response. The regulation continues to permit the preapplication process. The language has been expanded to explain more fully how the process operates.

In response to comments regarding the content of a preapplication, the program narrative has been shortened and simplified. The information which is required has been spelled out in detail so that the applicant does not have to prepare an abridged version of a full application addressing all topics to be covered in an application. Likewise, the specific evaluation criteria are spelled out, since the preapplication will not be judged on the potential to meet all evaluation criteria for final applications. These changes are designed to assist applicants and should provide preapplications of higher quality and greater consistency in format which will improve the review process.

Although very few education programs use the preapplication process, public comments have strongly supported its use in this program.

5. *Supplementary evaluation criteria—Comment.* There were only a few comments addressing the supplementary criteria for general grants outside the priority areas and for small grants. Generally, the comments urged revision of the supplementary criteria. One comment asked that the 25 points be redistributed into other existing criteria for small grants. One comment asked that more than 25 points be available and suggested that they be awarded on how well the proposed project fills a gap within the existing priority areas.

Response. Since the proposed amendment to the regulation does not contain priority areas, no supplementary criteria are needed, and the issue is no loinger relevant.

C. CHANGES IN THE REGULATION

In order to facilitate use by the public and to permit an opportunity for comment on all aspects of the program regulation, the proposed amendments to the regulation are not being presented separately but within a complete reprint of the regulation. In this part of the preamble, proposed changes in the regulation are explained, so that the public can identify them easily.

Section 160f.1 *Scope and purpose.* No change is proposed from the current regulation, except to eliminate references to Part 160 relating to the Special Projects Act which are unnecessary.

Section 160f.2 *Definitions.* The definitions of "career education," "sexism," and "underemployed" have been eliminated, since the description of program priorities in which they appeared has been deleted.

In response to public advice, the definition of "educational equity for women" which appears in context in § 160f.3 on the nature of projects is repeated in the definition section.

Definitions of "local educational agency" and "State educational agency" have been added to assist applicants in understanding these terms as they are used in §§ 160f.7(b) and 8(e) on requirements for submission of preapplications and applications. Some applicants were not certain last year if they were a local educational agency and submitted copies to their State educational agency when it was not required of them.

Applicants are reminded that the WEEA rule in no way supersedes or eliminates the general requirement that certain applicants such as States, cities, and State Systems of Higher Education, submit grant applications to a central clearinghouse. Applicants are responsible for complying with that requirement, as applicable.

An extended definition with examples of a "capacity building" as used in the WEEA Program has been added. Capac-

ity building or the synonym now used with it "development of model programs and products"; is perhaps the most critical determinant of eligibility in the review of projects in the area of women's educational equity. The inclusion of an expanded definition is an effort to clarify its meaning.

A definition of "target population" has been added to § 160f.2 to clarify the requirement in § 160f.8(c)(3)3(ii) that the application specify the target population of the project. The term relates to the intended beneficiaries of the project. Each project has a "target population," and the term is to be distinguished from reference to special "population groups" based on race, ethnic origin, age, socioeconomic status, or residence (e.g., rural, urban, Southwestern, Appalachian) § 160f.3(d) and § 160f.8(c)(3)(iii). A project may, but need not, focus on approaches to women's educational equity relating to one or more of these population groups. If the target population of a project is one or more of these population groups (e.g., low income adult women), then the application, in addition to stating the target group, must meet the requirements in §§ 160f.3(d) and 160f.8(c)(3)(iii).

Section 160f.3 *Nature of projects to provide educational equity for women.* No changes were made in paragraphs (a) and (c).

Paragraph (b) on "capacity building" has been rewritten in simpler language, but the meaning of the requirement has not been altered. A synonym for capacity building, "development of model programs and products" has been added in response to advice from the public and from the Council. The term, "capacity building," has not been eliminated from the proposed regulation in order to avoid any implication that a key requirement in the program had been changed.

Paragraph (d), concerning "Diverse approaches to educational equity for women among various population groups," has been changed rather significantly.

The concept has been made more specific and should be understood more easily. The requirement as proposed now recognizes diverse approaches to educational equity for women among various population groups, permits applicants to include in a project a focus on an approach to educational equity for women by one or more population groups, and requires, if such a focus is included, that the application demonstrate understanding of the priorities and values of the group and state the specific population groups for which use of the model programs or products is appropriate.

Section 160f.4 *Types of projects.* Paragraph (a) has not been changed.

Paragraph (b) has been modified to reflect the change of program activities after fiscal year 1976 both in contracts and in general grants where priorities have been eliminated.

With the proposed deletion of grant priorities, paragraph (c) is no longer needed and has been deleted.

Paragraph (d) regarding modifications in grant priorities has been eliminated, and that subject is now covered in § 160f.12.

Section 160f.5 *Duration of projects.* Only one change has been made in this section. Information required in continuation applications is spelled out.

Section 160f.6 *Eligible applicants.* No change has been made in this section as it reflects the specific language of the statute.

Section 160f.7 *Preapplications.* Extensive changes have been made in this section in order to provide more specific directions about the process itself, the format of the program narrative, and the criteria for evaluation. A number of questions were raised last year during the preapplication process, and many comments on preapplications were received in response to the Advance Notice of Proposed Rulemaking.

The language has been made very explicit about the rules which apply when preapplications are invited by the Commissioner in any given fiscal year.

The current regulation calls for a ten-page preapplication. This proposed amendment specifies three pages. It is believed that a shorter preapplication will serve the public and still provide the essential information necessary to make basic decisions about which preapplicants should be encouraged to submit full applications. Preapplicants are not required to address all topics which would be required at the application stage, such as evaluation and validation. Greater emphasis is thus given to those fewer items which are required. This format and the shorter length is consistent with public advice on the Advance Notice.

The current regulation indicates the information to be included in the preapplication narrative and the evaluation criteria only by inference. This lack of specific guidance caused some confusion last year, especially in light of the five topics (need, objectives, method of accomplishment, geographical location of the project, and benefits expected from the assistance) which are listed on the standard Government preapplication form. The proposed amendment lists the specific information required which is directly related to the proposed evaluation criteria. Point values are assigned to each criterion for a total of 100 points.

It is expected that these revisions will assist the public and provide better preapplications and greater consistency in presentation.

Section 160f.8 *Application, proposal, and project requirements.* Both substantive and technical changes have been made in this section. Most of the technical changes are the result of the elimination of priorities for general grants (current § 160f.8(b)(2)) and the modification of the concept regarding diversity among population groups (proposed § 160f.8(c)(3)(iii) and (c)(5)). References to proposals for contracts have been eliminated from paragraph (c).

In the first year of program operation, applications were frequently vague about staff positions for which a specific person was not named. Language has been added to require specific duties for named personnel and job descriptions and qualifications for unfilled positions. Information is required under the proposed amendment on recruitment and hiring methods and the extent to which the staff will be representative of the target population of the project and, where applicable, the population group(s) to which the project is related.

The information regarding the evaluation design (current § 160f.8 (c)(4)(i)(B) and (c)(4)(ii)) has been simplified (proposed § 160f.8(c)(4)(ii)) and reference to delaying implementation of the evaluation design is eliminated. Project evaluation was frequently the weakest element in applications last year. The language has been changed therefore to avoid any interpretation that evaluation might be delayed.

Two new criteria for evaluation of grant applications have been added to § 160f.10. Instructions to supply the information required have been added (§ 160f.8 (c)(2)(v) and (c)(4)(iv)).

Section 160f.9 *Award decisions.* This section has been modified in two ways under the proposed amendment. The different procedures for grants and contracts have been spelled out with greater clarity. Three additional factors which will be considered in the award decision process have been included in § 160f.9 (b)(3) (ii), (iii) and (iv). These three factors have been added upon the recommendation of the Council.

Section 160f.10 *General evaluation criteria for grants.* This section has been modified where necessary to reflect the elimination of priorities.

Additional weight has been given to applicant qualifications. Also, the criteria regarding the experience and qualifications of both the applicant and the staff have been split, so that points are awarded separately for experience in the programmatic focus and in the area of educational equity for women. This change is designed to improve the review process.

Two new criteria have been added. One relates to institutional commitment to the effort (§ 160f.10(a)(1)(vi)), which has been added upon the recommendation of the Council. The second, relating to cooperative planning (§ 160.-10(a)(3)(iv)) currently appears in supplementary criteria for specific priority areas and has been transferred to general evaluation criteria.

Other technical changes have been made: The title of the section now refers only to grants; § 160f.10(a)(2)(ii) is consistent with the proposed revision to § 160f.3(d); subparagraph (a)(4) on geographical distribution has been modified to refer to the distribution of "project awards" and not projects. Since projects are designed to develop model programs or products which will serve groups far beyond a local area, some members of the public had asked for clarification of this paragraph.

Section 160f.12 *General grant awards.* This section has been changed

to delete lengthy presentations of the priority areas, which would no longer be used under the proposed amendment. Under the provisions of the proposed amendment, the Commissioner may establish priorities in any given year by publishing them in an Appendix to the regulation.

In paragraph (b) the approximate number of new awards per fiscal year has been increased and the general range of the cost decreased. These adjustments are made on the basis of a year of actual program operation.

Section 160f.13 *Small grant awards.* Paragraph (b) of this section has been modified to reflect the elimination of priority areas for general grants.

The requirement that small grants contribute to the development of model programs and products (capacity building) has not been changed. Consistent with advice of the Council and the public, language has been added that would permit small grant projects to provide further testing and initial utilization of programs and products developed and validated by other WEEA projects at such time as they become available. Under this provision, national testing and dissemination will be served, and the grantees which propose to use small grant awards for a specific program or product will benefit directly in the process. This option will not be available in fiscal year 1977, since projects supported in fiscal year 1976 will not have completed their work when applicants must submit applications.

In paragraph (d) the approximate number of small grants anticipated for each fiscal year has been increased.

Section 160f.14 *Contract activities.* This section has been revised to reflect anticipated funding areas for contracts in fiscal year 1977 and thereafter.

Section 160f.15 *Allowable costs.* One substantial addition has been made in this section in subparagraph (a)(4). Similar language appears in the current regulation regarding two priority areas (§ 160f.12 (b)(4) and (c)(3). It is not the intent of the WEEA Program to pay the costs, for example, in a project relating to educational administration for general courses, such as school finance, personnel management, or organizational development. Only those costs directly related to educational equity for women as defined in this regulation would be allowable.

There is a technical change in paragraph (d)(2) to eliminate reference to a priority area.

D. CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulations has been placed in parenthesis on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citiation appears only at the end of the section, it applies to the entire section.

E. NOTICE TO PROSPECTIVE APPLICANTS

The proposed amendment to the current regulation does not solicit applications or proposals for grants or contracts or establish deadlines. Applications or preapplications for grants will be solicited in a separate notice of closing date in the FEDERAL REGISTER. Contracts are solicited separately in Requests for Proposals (RFP) published in the Commerce Business Daily.

Interested applicants who are not presently on the WEEA mailing list may write to the Women's Program Staff and ask to be placed on the list to receive program information and application forms when available. This mailing list is used for general mass mailings regarding the program.

F. SUBMISSION OF COMMENTS

Interested persons are invited to submit written comments on the proposed amendment to: Dr. Joan E. Duval, Director, Women's Program Staff, U.S. Office of Education, 400 Maryland Avenue SW., Room 2145, Washington, D.C. 20202. If additional information is needed call Ms. Carolyn Joyner (202-245-0967) or Mr. Cleveland Haynes (202-472-2796).

All written comments must be received not later than May 2, 1977. Written comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:00 p.m.

It is the intent of the Office of Education to conduct public meetings for the purpose of discussing the proposed revisions to the regulation and to respond to questions concerning WEEA. The times and places of these meetings will be published at another time and those members of the public who have requested or will request to be notified will be contacted.

It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an Inflationary Impact Evaluation.

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program.)

Dated: February 11, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

It is proposed to revise 45 CFR Part 160f as follows:

PART 160f—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Sec.
160f.1 Scope and Purpose.
160f.2 Definitions.
160f.3 Nature of projects to provide educational equity for women.
160f.4 Types of projects.
160f.5 Duration of projects.
160f.6 Eligible applicants.
160f.7 Preapplications.
160f.8 Application, proposal, and project requirements.
160f.9 Award decisions.
160f.10 General evaluation criteria.
160f.11 [Reserved]
160f.12 General grant awards.
160f.13 Small grant awards.
160f.14 Contract activities.
160f.15 Allowable costs.

AUTHORITY: Sec. 408, Pub. L. 93-380 (20 U.S.C. 1866)

§ 160f.1 Scope and purpose.

(a) *Scope.* The regulations in this part govern projects awarded with funds appropriated under the Women's Educational Equity Act of 1974, section 408 of Pub. L. 93-380, or with funds made available for expenditure under the Women's Educational Equity Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(20 U.S.C. 1866 and 1861.)

(b) *Purpose.* The purpose of the program carried out under this part is to provide, through grants and contracts, educational equity for women in the United States.

(20 U.S.C. 1866 (c) and (f).)

(c) *Other pertinent regulations.* (1) *Grant awards.* Grant awards under this part, including awards to individuals, are subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a et seq.).

(2) *Contract awards.* Contract awards under this part, including awards to individuals, are subject to applicable provisions contained in 41 CFR Chapters 1 and 3.

(20 U.S.C. 1866.)

(d) *Participation by men.* (1) Award recipients may not discriminate on the basis of sex in employment or in the admission of participants to training, validation, or other activities funded under this part.

(2) The selection of persons to participate in training, validation, and other activities funded under this part must be based upon criteria which measure the extent to which the persons:

(i) Will benefit from the activities; and

(ii) Can contribute to the project's purposes.

(20 U.S.C. 1866.)

(e) *Textbooks and curricular materials.* Nothing in this part shall be interpreted as requiring, prohibiting, or abridging the use of particular textbooks or curricular materials.

(20 U.S.C. 1866(d)(1)(A); 20 U.S.C. 1232a.)

§ 160f.2 Definitions.

As used on this part: (a) "Act" means the Women's Educational Equity Act of 1974, section 408 of Pub. L. 93-380.

(20 U.S.C. 1866.)

(b) "Capacity building" or "development of model programs and products"

means that projects develop model programs and products to be used by organizations, agencies, and individuals other than the award recipient and thereby have a substantial national impact in furthering the purpose of providing educational equity for women.

(1) The primary goal of projects is not provision of services or benefits to particular organizations, agencies, or individuals, although these services or benefits may occur as an indirect effect.

(2) The use of the word "national" with capacity building or the development of model programs and products does not mean that all school systems, or all adult women, or all institutions of higher education in the Nation must be able to use the programs or products developed. Section 160f.3(d) explicitly authorizes projects which focus on one or more diverse population groups. "National" is used primarily to make a distinction from purely local projects. Examples of target populations for projects which would contribute to national capacity are: administrators of urban school systems, employers and counselors who work with adults entering the job market in rural areas, directors of women's centers, teachers at the elementary level, rural educators in the Southeast, State directors of vocational education, and curriculum specialists for bilingual projects in the Southwest.

(3) While a number of education programs use the term "capacity building" to refer to the use of Federal funds as seed money to build the capacity of a recipient institution to change or reform itself and thereby respond to national priorities, those kinds of programs are often characterized by limitation to only one or two types of applicants, for example, only local educational agencies or institutions of higher education, or by limitation to one level of education, such as postsecondary education. On the other hand, the Women's Educational Equity Act (WEEA) Program authorizes activities at all levels of education and permits all public agencies, nonprofit organizations, and individuals to compete for funds. Further, there are few models presently available to the thousands of institutions and agencies which are undertaking certain changes either because of the effect of Title IX or because of other factors, such as the desire of certain institutions to meet the needs of new kinds of students. The WEEA program, therefore, is building capacity at the national level to respond to needs throughout the country. The program emphasizes those aspects of program operations which can produce evidence of effectiveness so that the results can be disseminated for use in many institutions and agencies.

(4) Examples and an indication of whether they meet the program requirement may be useful. An application from a school system for the purpose of training its own administrators, teachers, and counselors to be aware of and to change differential treatment of students on the basis of sex would not meet the requirement for capacity building or development of model programs and products. An application to develop and test a program for training administrators, teachers, and counselors to be aware of and to change differential treatment of students on the basis of sex with plans for field testing in school systems and a plan for dissemination through school associations is an example of capacity building. The objective of the first is the training of several hundred administrators, teachers, and counselors to benefit a specific school system. The objective of the second is to develop and test a model program so that it can be made available to others who need it. In the school systems where it is tested, the administrators, teachers, and counselors who participate in the validation would receive benefits as an indirect effect.

(5) A second example would be an application to establish a Women's Center to provide and coordinate activities affecting educational equity for women and to develop a more extensive program to meet the needs of adult students at a particular institution. Such an application does not meet the requirement for capacity building, since it is designed to serve a particular institution. Applications addressing aspects of the operations of women's centers which are being researched, developed, or analyzed for the use of many similar centers could meet the requirements of capacity building. One may use the test of how the need is expressed to determine whether the program's requirement would be met. For example, in the first, the institution needs a better women's center. The project would meet the institution's and its individual client's needs. In the second, there is a need to learn what structure, activities, or personnel in women's centers are most productive and cost-effective. The project meets the need to solve a problem affecting many institutions. Again, side benefits may occur within a project for the individuals involved.

(6) A third example is an application to provide funds for the special costs of an existing program to train and place 12 unemployed adult women. The measure of effectiveness would be the completed training and successful placement of the 12 persons. This would not be an effort to develop national capacity building.

(7) Scholarships and fellowships to serve the needs of an individual would not qualify, nor would the construction of facilities for athletics, for example, be permissible.

(20 U.S.C. 1866 (b), (d), and (e).)

(c) "Council" means the National Advisory Council on Women's Educational Programs established pursuant to subsection (f) of the Act.

(20 U.S.C. 1886 (c) and (f).)

(d) "Educational equity for women" means:

(1) The elimination of discrimination on the basis of sex and of those elements of sex role stereotyping and sex role socialization in educational institutions, programs, and curricula which prevent full and fair participation by women in educational programs and in American society generally; and

(2) The achievement of responsiveness of educational institutions, programs, curricula, policy makers, administrators, instructors, counselors, and other personnel to the special educational needs, interests, and concerns of women arising from inequitable educational policies and practices.

(3) Educational equity for women involves the elimination of stereotyping by sex, so that both men and women can choose freely among and benefit from opportunities in educational institutions and programs with limitations determined only by each individual's interests, aptitudes, and abilities. Educational equity for women does not imply the development of new stereotypes for men and women.

(e) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided, as determined under State law.

(f) "Local educational agency" or "LEA" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(g) "Man" or "men" may include, as appropriate, boys.

(h) "Nonprofit," as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earning of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(i) "Public agency" means a legally constituted organization of government under public administrative control and direction, including Indian tribes which exercise municipal functions, but does not include agencies of the United States.

(j) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(k) "Sex role socialization" refers to the differential processes and experiences used to prepare males and females for the roles that society defines as being appropriate for their sex.

(l) "Sex role stereotypes" involve assumptions that females or males, because they share a common gender, also share common abilities, interests, values, and/or roles.

(m) "Socialization" is the process by which children and adults are prepared to occupy various roles. It is achieved through the provision and accumulation of life experiences that transmit knowledge, attitudes, and skills to perform functions necessary for these roles. Socialization for young children is often deliberate and readily observable as children are being prepared to carry out a complex collection of economic, social, physical, political, and psychological roles as adults. Much of adult socialization is subtle and unnoticed because it consists of continued reinforcement for already learned roles. In situations where the learning of new roles or skills is necessary, adult socialization may become extremely focused and explicit.

(n) "State educational agency" or "SEA" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(o) "Target population" means the persons for whose needs the project is designed, with whom the project is validated, and among whom are found the future users of the model program or product.

(1) The target population may include both intermediate and ultimate beneficiaries of solely ultimate beneficiaries.

(2) For example, in a project designed to develop a retraining program for high school counselors in techniques and procedures for providing sex fair counseling for use by counselors across the country, the target population is high school counselors, the intermediate beneficiaries. The ultimate beneficiaries are high school students across the country. In the same type project designed for use by high school counselors of native American youth, the intermediate target population is still high school counselors but the ultimate target population is native American high school youth.

(3) Another example would be a program designed for adult women who desire to reenter the labor force or continue their education. The target population is adult women. Adult women are the population upon which the program is validated, and they are the ultimate beneficiaries. There may be no intermediate beneficiaries. If the project were designed for employers and counselors of adult women, the employers and counselors would be the intermediate beneficiaries and the adult women the ultimate beneficiaries.

(p) "Woman" or "women" may include, as appropriate, girls.

(20 U.S.C. 1866.)

§ 160f.3 Nature of projects to provide educational equity for women.

(a) *General.* (1) Educational equity for women, as used in this part, means:

(i) The elimination of discrimination on the basis of sex and of those elements of sex role stereotyping and sex role socialization in educational institutions, programs, and curricula which prevent full and fair participation by women in educational programs and in American society generally; and

(ii) The achievement of responsiveness of educational institutions, programs, curricula, policy makers, administrators, instructors, and other personnel to the special educational needs, interests, and concerns of women arising from inequitable educational policies and practices.

(2) Educational equity for women, as used in this part, involves the elimination of stereotyping by sex, so that both men and women can choose freely among and benefit from opportunities in educational institutions and programs with limitations determined only by each individual's interests, aptitudes, and abilities. Educational equity for women does not imply the development of new sterotypes for men and women.

(b) *Capacity building: development of model programs and products.* (1) (i) Projects supported under this part must contribute to capacity building in the area of educational equity for women, as defined in § 160f.2.

(ii) The primary goal of projects is not provision of services or benefits to particular organizations, agencies, or individuals, although these services or benefits may occur as an indirect effect.

(2) Projects supported under this part may not develop products which are so expensive to use or adopt that extensive dissemination will be inhibited.

(20 U.S.C. 1866 (b), (d), and (e).)

(c) *Approaches to educational equity for women.* Each project funded under this part must be designed to develop model programs, materials, or other products in order to promote educational equity for women in one or more of the following ways:

(1) *Focus on systemic change.* The elimination of those elements of sex role stereotyping and sex role socialization in educational institutions and agencies which separately and, more importantly, together and over time limit the aspirations, experiences, and options of women and men for full participation in American society;

(2) *Focus on institutional change.* Assistance in the process of eliminating discriminatory policies and practices in educational agencies, organizations, and programs which may be contrary to Federal statutes, executive orders, or regulations; or

(3) *Focus on supplementary activities for individuals.* The provision of special educational activities and support services designed to overcome limitations on the opportunities of women resulting from past or continuing discrimination, sex role stereotyping, or sex role socialization.

(20 U.S.C. 1866; Committee on Education and Labor, Hearing on H.R. 208, July 25, 1973, pp. 4–6; S. Rept. No. 763, 93rd Cong. 2d Sess. 78–79 (1974))

(d) *Diverse approaches to educational equity for women among various population groups.* (1) In recognition of the diverse approaches to the provision of educational equity for women among different rgoups, proejcts funded under this part may focus on approaches to educational equity for women relating to one or more population groups based on race, ethnic origin, age, socioeconomic status, or residence (e.g., rural, urban, Southwestern, Appalachian).

(2) If the proposed project does focus on an approach relating to one or more population group(s) above, the project application must:

(i) State the population group(s);

(ii) Show understanding of and sensitivity to the goals, values, and priorities of the population group(s); and

(iii) Explain the applicability or limitations of the use of the programs or products with other population groups. The relevance of the project's materials, strategy, and goals to the cultural and other values of the population group(s) must be clearly demonstrated. Extensive research or data is not required in the project application.

(20 U.S.C. 1866.)

§ 160f.4 Types of projects.

(a) The Act authorizes the Commissioner to award grants and contracts for activities at all levels of education designed to carry out the purpose of providing educational equity for women, including the following activities related to educational equity:

(1) The development, evaluation, and dissemination of curricula, textbooks, and other educational materials;

(2) Preservice and inservice training for educational personnel, including guidance and counseling personnel;

(3) Research, development, and other educational activities;

(4) Guidance and counseling activities, including the development of tests which are nondiscriminatory on the basis of sex;

(5) Educational activities to increase opportunities for adult women, including continuing educational activities for underemployed and unemployed women; and

(6) The expansion and improvement of educational programs and activities for women in vocational education, career education, physical education, and educational administration.

(20 U.S.C. 1866(d)(1).)

(b) In implementing the activities authorized by the Act and described in paragraph (a) of this section, the Commissioner will:

(1) Make small grants, not to exceed $15,000 eacf, to support innovative ap-

proaches to the provision of educational equity for women, as described in § 160f.13;

(2) Solicit proposals for and make awards of procurement contracts in the program areas described in § 160f.14; and

(3) Make awards for general grants, as described in § 160f.12.

(20 U.S.C. 1866.)

§ 160f.5 Duration of projects.

(a) While grant applications may be filed proposing multi-year projects, it is expected that a substantial proportion of projects funded by the Commissioner in any fiscal year will have a project duration of only one year.

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation grants.

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards, but will be competitive with other applications for continuation awards;

(2) The program narrative of a continuation application must contain a detailed plan of operation (consistent with the general scope of work approved at the time of the original grant award), a management plan, and a detailed budget for the following fiscal year. Any changes in staff members, or their duties, in the validation procedures, the evaluation design, or approaches to dissemination must be explained. Requests for modifications in project objectives of the final results, programs, or products must be justified and the basis explained in detail; and

(3) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and any applicable regulation;

(ii) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation;

(iii) The extent to which the project is meeting applicable priorities; and

(iv) The extent to which continuation of Federal assistance to the project is in the best interests of educational equity for women.

(20 U.S.C. 1221e-3(a)(1), 1866)

§ 160f.6 Eligible applicants.

The Commissioner may make grants to, or enter into contracts with, public agencies, private nonprofit organizations, or individuals to carry out projects under this part.

(20 U.S.C. 1866(d)(1) and (e))

§ 160f.7 Preapplications.

(a) *General.* (1) The Commissioner may invite prospective applicants for grants under this part in any given fiscal year to submit preapplications in accordance with § 100a.41 of this chapter by publishing a closing date for preapplications in the FEDERAL REGISTER. Either general or small grants, or both, may be included.

(2) (i) The preapplication process is used to avoid the investment of substantial time and effort by applicants in the preparation of applications for projects which might not be responsive to program policy and criteria and therefore have little chance of being funded. This process permits a preliminary review of shortened, simplified preapplications, with advice to applicants as to whether proposed projects are likely to have a chance for funding.

(ii) The preapplication process also may conserve limited resources of the Government by reducing the staff time and consultant funds required to process and review a large number of full applications. When the preapplication process is used, the Government can forecast the approximate number of applications which will be submitted and plan accordingly.

(3) When preapplications are invited, applicants are encouraged to use the process. Preapplications will be reviewed and those identified as having potential to compete will be invited to submit full applications. Applicants that are not invited may also submit full applications at their option. Also, any applicant may submit a full application by the published closing date for full applications without having previously submitted a preapplication. No application would be treated preferentially, and all would be reviewed against the published evaluation criteria.

(b) *State review of LEA preapplications.* (1) A copy of a preapplication from a local educational agency must be submitted to the State educational agency of the State in which the local educational agency is located, concurrently with the submission of the preapplication to the Commissioner, to provide the State educational agency an opportunity to review and comment on that preapplication. A copy of the transmittal letter to the State agency must be attached to the preapplication.

(2) The Commissioner may esablish a cut-off date for submission of comments by State educational agencies on a local educational agency's preapplication. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for a preapplication shall be deemed a waiver of the State educational agency's opportunity to comment on that preapplication.

(c) *Preapplication requirements.* (1) Prepplications under this part must include a program narrative statement as required by the preapplication forms provided for in § 100a.41 of this chapter. The narrative statement may not exceed three (3) pages of readable size print plus attached brief and relevant vitae. Lengthy appendices and exhibits will not be reviewed by the Commissioner.

(2) The preapplication must include the following information in the program narrative to permit its review according to the evaluation criteria in paragraph (d). If applicants omit some of the required information, the preapplications will be reviewed and points will be deducted where appropriate. The preapplication must:

(i) *Applicant qualifications.* (A) Include either names and duties of projected staff members or brief job descriptions and required qualifications for the director and other key personnel, as well as methods of recruitment and hiring. Vitae may be attached to the program narrative; and

(B) Include a statement of applicant qualifications in the substantive area of the proposed project and its experience in and commitment to the area of women's educational equity;

(ii) *Need and impact.* (A) Provide a brief description of the project and its approach, the needs addressed, and specific results, programs, or products to be developed by the proposed project;

(B) Indicate the target population which will utilize the results of the project and the possible means for encouraging their use; and

(C) State briefly how the proposed project will contribute to the national capacity to respond to needs in educational equity for women through the development of model programs and/or products which are designed and tested to be disseminated nationwide;

(iii) *Plan.* (A) State the specific objectives of the proposed projects;

(B) Provide a brief statement on how the project will be managed, including approaches to assuring the quality of the project and its result; and

(C) If the applicant proposes a project with a duration in excess of one year, include in the program narrative an explanation of the need for multi-year support, and budget forms must be completed for the first budget period of one year and for the balance of the proposed project.

(d) *Preapplication evaluation criteria.* Preapplications for grants which meet the requirements in paragraph (c)(1) of this section will be evaluated on the basis of the following criteria and weighted according to the indicated points (maximum of 100 points):

(1) *Applicant qualifications.* (i) The extent to which the education and experience of the proposed project director and staff, or, where staff are not named, the job descriptions and required qualifications as well as methods for recruitment and hiring, are related to the programmatic focus of the proposed project (10 points);

(ii) The extent to which the information about the proposed project director and staff evidence knowledge and experience in the area of women's educational equity (10 points);

(iii) The extent to which the applicant has demonstrated experience in the programmatic focus of the proposed project (10 points); and

(iv) The extent to which the applicant has demonstrated experience in and commitment to women's educational equity as evidence in the preapplication (10 points);

(2) *Need and impact.* (i) The degree to which the project addresses a critical need in the area of educational equity for women (10 points);

(ii) The degree to which the project describes a promising approach to provide educational equity for women (10 points);

(iii) The potential quality of the results, programs, or products to be developed and the viability of the method for use by others (10 points); and

(iv) The degree to which the proposed project will contribute to the national capacity to respond to the needs in the area of women's educational equity through the development of model programs or products (10 points);

(3) *Plan of operation.* (i) The extent to which proposed project objectives are clearly stated and capable of being attained and evaluated (5 points); and

(ii) The extent to which the preapplicant's statement on project management indicates potential for quality control (5 points);

(4) *Budget.* The reasonableness of the proposed total budget figure in relation to the accomplishment of the objectives and the relative importance of the needs addressed (10 points).

(20 U.S.C. 1221e-3(a)(1), 1232c(b)(3), 1866 (d)(2) and (e).)

§ 160f.8 Application, proposal, and project requirements.

(a) *Introduction.* A grant or a contract under this part will be awarded only upon a grant application (in accordance with § 100a.40 of this chapter) or a contract proposal submitted to the Commissioner.

(b) *General.* (1) Unsolicited applications or proposals will not be accepted under this part. Grant applications will be accepted for review only if they are filed in response to a notice of closing date published in the FEDERAL REGISTER in accordance with 45 CFR 100a.15 concerning application submissions to the Commissioner.

(2) Lengthy appendices or exhibits attached to applications or proposals will not be reviewed.

(c) *Application requirements.* The requirements set forth in this paragraph cover the information needed by the Commissioner to evaluate an application in accordance with the criteria in § 160f.10. The requirements correspond to the evaluation criteria, and applicants are encouraged, in preparing their applications, to follow this order to facilitate review of the application. An application for a grant under this part must:

(1) *Nature and purpose.* Provide information sufficient to satisfy the Commissioner that the proposed project holds promise of making a substantial contribution toward attaining educational equity for women and will comply with the provisions of § 160f.3;

(2) *Applicant qualifications.* Contain sufficient information about the applicant to enable the Commissioner to determine both its qualifications for receiving an award and its commitment to the provision of educational equity for women, including information about:

(i) The applicant's staffing pattern and experience in the area of educational equity for women, as well as in the programmatic focus of the proposed project;

(ii) The proposed project director and staff, including their education, training, awards, publications, and experience in the areas of educational equity for women and in the programmatic focus of the proposed project, and existing or planned commitments to other projects;

(iii) The extent to which the staff will be representative of the target population and, where applicable, the special population group(s);

(iv) Job descriptions and required qualifications as well as methods of recruitment and hiring, where staff members are not yet named;

(v) Commitment through in kind or direct financial contributions or procedures to use results of projects in ongoing activities of the applicant; and

(vi) Available facilities and other resources for the project;

(3) *Need and impact.* (i) Identify the need to be addressed by the proposed project and supply relevant documentation of the need;

(ii) Specify the nature of the program, product, or final results of the proposed project and the specific target population, as defined in § 160f.2.

(iii) Specify the population group(s), if any, to which the project is related (as described in § 160f.3(d)), demonstrate understanding of the goals, values, and priorities of the group(s), and explain the applicability or limitations on the use of the project's results with other population group(s);

(iv) Document how the project will contribute to the development of model programs and products (capacity building) in the area of educational equity for women, including a description of likely users of the results, programs, and products of the projects, and rough projections of the cost to others of implementing or using the products; and

(v) Describe the procedures and plans for validation by the applicant and possible approaches and strategies for dissemination and utilization, by the applicant or by others, of the programs or products developed by the project. The description of validation procedures must set forth criteria consistent with § 160f.1(d) for the selection of participants in validation under the project, the types and numbers of persons expected to be involved, the location(s), time schedules, and specific expectations for the various activities in the validation procedures:

(4) *Plan of operation.* (i) State project objectives with specific outcomes for the project;

(ii) Provide a project evaluation design to measure the extent to which the objectives are accomplished by the project and which indicates the approach, the status of planning, methodology, extent of experience in the development and use of such designs and need for procuring outside expertise;

(iii) Provide a management design which describes the project's decision-making process and its rationale and includes a plan which references objectives, operational activities, schedules, resources, products, and evaluation;

(iv) Describe a plan for cooperative development of the project with representative groups in the field of the project and in educational equity for women, such as practitioners (both at the policy and implementation levels), theoreticians, potential participants in the validation, and the community; and

(v) Include a detailed budget.

(5) *Relationship to other activities.* Reference is made in § 160f.3(d) to the diverse approaches to the achievement of women's educational equity among various racial, ethnic, socioeconomic, age, and residence groups. If the applicant is carrying out other activities concerned with issues of discrimination, counseling, stereotyping, socialization, or the cultural values and heritage of social, ethnic, regional, or socioeconomic groups, the application must explain the specific relationship of the proposed project to these other activities.

(20 U.S.C. 1866(d)(2).)

(d) *Small grants.* Applications for small grants under § 160f.13 are subject to the applicable requirements in this section, with appropriate consideration to the scope and amount of the proposed award.

(e) *State review of local educational agency applications.* (1) The Commissioner will not approve an application submitted by a local educational agency for a grant under this part unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review and comment on the application.

(2) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission to the Commissioner of the application, which must contain a copy of the transmittal letter to the State agency.

(3) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for an application shall be deemed a waiver

of the State educational agency's opportunity to comment on that application.

(20 U.S.C. 1866(e).)

(f) *Dissemination of effective materials and programs.* Project awards under this part will be subject to the condition that materials and programs developed and validated under the project shall not be diseminated without review for effectiveness by the Commissioner. Therefore, each application for an award under this part must contain provisions for review of materials and programs, prior to dissemination in accordance with the requirement of this paragraph.

(g) *Evaluation.* Project awards under this part will be subject to the condition that the award recipient collect and make available information required by the Commissioner or by the Council, in accordance with the time constraints the Commissioner or Council may designate for purposes of carrying out program evaluation, including that provided for under subsection (f) of the Act.

(h) *Nondiscrimination.* Project awards under this part will be subject to the condition that the grantee or contractor reflect the nondiscrimination provisions set forth in subparagraphs (1) and (2) of § 160f.1(d) in any public announcements about the project relating to employment and participation by persons in the project activities.

(20 U.S.C. 1866.)

§ 160f.9 Award decisions.

Decisions on whether or not to make awards under this part will be made by the Commissioner based upon:

(a) With respect to contracts:

(1) The specific evaluation criteria included in each Request for Proposal (RFP) solicitation; and

(2) The procedures for selection required by the regulations for Procurement Contracts, 41 CFR Chapters 1 and 3 and by Departmental or agency policy.

(b) With respect to grants:

(1) Applicable criteria set forth in § 160f.10;

(2) The need to support projects which collectively address all levels of education; and

(3) The need to support:

(i) A variety of projects which collectively represent to the extent possible the diversity of needs and concerns in educational equity for women;

(ii) A variety of strategies for addressing needs;

(iii) A variety of delivery systems, such as community organizations, public agencies, and private nonprofit organizations, as well as traditional educational institutions; and

(iv) Demographic diversity.

(20 U.S.C. 1866 (b), (d), (e), (f) (3).)

§ 160f.10 General evaluation criteria for grants.

(a) *General criteria.* Applications for grants which meet the requirements in § 160f.8 will be evaluated on the basis of the following criteria, weighted according to the indicated points (maximum of 220 points):

(1) *Applicant qualifications.* (75 points)

(i) The extent and quality of the applicant's relevant experience in the area of educational equity for women as evidenced in the application (10 points);

(ii) The extent and quality of the applicant's relevant experience in the programmatic focus of the project (10 points);

(iii) The extent to which the staffing pattern of the project and of the applicant agency or organization as summarized in the application reflects evidence of commitment to equity for women, including women from minority groups (15 points);

(iv) The extent to which the qualifications of the project director and staff include demonstrated relevant experience of high quality in the area of educational equity for women (10 points);

(v) The extent to which the qualifications of the project director and staff include demonstrated relevant experience of high quality in the programmatic focus of the project as evidenced in the application (10 points);

(vi) The extent to which the applicant demonstrates commitment through in kind or direct financial contributions or through procedures to use all or parts of the program or products developed under the grant in the continuing activities of the applicant (10 points); and

(vii) The extent to which the applicant has the capability to conduct the proposed project, including necessary facilities and resources as evidenced in the application (10 points);

(2) *Need and impact.* (55 points)

(i) The degree to which the proposed project is likely to make a substantial qualitative contribution toward attaining the provision of educational equity for women, and to this end:

(A) Clearly identifies a critical need to be addressed (10 points); and

(B) Specifies the substantive nature of the program, product, or final results which have potential for use as a model throughout the Nation or throughout population groups based on race, ethnic origin, age, socioeconomic status, or residence (10 points);

(ii) The degree to which the applicant, where applicable, shows understanding of the goals, values, and priorities of special population group(s), as described in § 160f.3(d), and the degree to which the application demonstrates an appropriate understanding of the applicability or limitations of the use of the results or products of the project with other populations (15 points); and

(iii) The extent to which the intended results of the proposed project can be used by others and thus the extent to which the application specifies:

(A) Well-designed validation procedures (10 points); and

(B) Approaches for dissemination and utilization of the intended results (whether these approaches are to be carried out by the applicant or by others) (10 points);

(3) *Plan of operation* (70 points). (i) The extent to which the application sharply defines and clearly states objectives for the proposed project which are capable of being achieved by the proposed procedures and capable of being assessed upon attainment (15 points);

(ii) The extent to which the application ensures adequate evaluation of the activities through the description of a project evaluation design which would include both process and product analysis and would describe an eventual evaluation report containing sufficient data, information, and direction to permit and encourage replication (15 points);

(iii) The quality of the proposed management design that describes the project's decision-making process and its rationale and includes a plan which references objectives, operational activities, schedules (including the amount of time to be spent on the project by the proposed staff members), resources, products, and the project evaluation design (15 points);

(iv) The extent to which the program to be developed under the project will be developed in cooperation with representative groups in the field of the project and of educational equity for women, such as practitioners (both at the policy and implementation levels), theoreticians, potential participants in the validation, and the community (15 points); and

(v) The extent to which the application presents a budget that is reasonable in relation to anticipated results and reflects the management design (10 points).

(4) *Geographical distribution of awards.* (20 points) The extent to which approval of an application will contribute to an appropriate geographical distribution of project awards throughout the Nation. The Commissioner will apply this criterion to individual applications after taking into account relevant recommendations of the Council.

(b) *General provisions criteria.* Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications or proposals submitted under this part.

(c) *Small grants.* Applications for small grants will be evaluated in accordance with the criteria specified in paragraph (a) of this section with appropriate consideration given to the scope and amount of the proposed award.

(20 U.S.C. 1866 (d) and (e).)

§ 160f.11 [Reserved]

§ 160f.12 General grant awards.

(a) *General.* In awarding new grants under this part (except with respect to small grants described in § 160f.13), the Commissioner may establish priorities by publishing them in an Appendix to this regulation. Whether or not there are priorities, applicants may propose projects in any area authorized by the Act. Applicants may find guidance by examining the six activities which are listed in the Act and quoted in § 160f.4(a).

(b) *Number and size of general grant awards.* (1) Contingent upon the availability of funds, it is expected that 30 to

50 new general grants will be awarded per fiscal year.

(2) It is anticipated that the size of general grant awards will range from about $35,000 to $175,000, depending on the scope of the proposed project. Nothing in this paragraph shall be construed as a limitation on the amount of funds which may be available to a particular grantee.

(20 U.S.C. 1866(d).)

§ 160f.13 Small grant awards.

(a) Grants under this section will support the development and implementation of innovative approaches to the attainment of equity in education for women. The innovative approaches need not be original but may include practices that:

(1) Are similar to present practices but are not widely known or used;

(2) Expand on present practices; or

(3) Are new to a specific target population.

(b) Applications for grants under this section may focus on any of the six programmatic areas outlined in § 160f.4(a) or other areas of need in the provision of educational equity for women.

(c) Projects supported under this section must be designed to contribute to capacity building (the development of model programs and products) in the area of educational equity for women as provided in § 160f.3(b), with appropriate consideration to the scope and amount of the grant award. The Commissioner may also use the small grant program for further testing of programs and products developed and validated by previous projects supported under this part when they become available.

(d) Contingent upon the availability of funds, it is expected that 20 to 30 grants will be made under this section per fiscal year for amounts not to exceed $15,000.

(20 U.S.C. 1866(e).)

§ 160f.14 Contract activities.

(a) *General.* Contingent upon the availability of funds, contracts will be awarded on the basis of separate solicitations setting forth appropriate specifications in the areas described in paragraph (b) of this section.

(b) *Funding areas.* It is expected that contracts will be awarded in the following areas:

(1) Technical assistance for Title IX of the Education Amendments of 1972 (Pub. L. 92-318);

(2) Operation of a communications network in the field of educational equity for women;

(3) Dissemination of tested programs and products developed under the Act to organizations and agencies which wish to use or adapt them; and

(4) Those other areas of women's educational equity where the Commissioner determines that specific procurements would further the purpose of the Act.

(20 U.S.C. 1866(d)(1).)

§ 160f.15 Allowable costs.

(a) *General.* (1) Allowable costs under projects to which funds are awarded pursuant to this part shall be determined in accordance with cost principles set forth in:

(i) Appendix B of subchapter A of this chapter with respect to grants to public agencies;

(ii) Appendix C of subchapter A of this chapter with respect to grants to nonprofit educational institutions;

(iii) Appendix D of subchapter A of this chapter with respect to grants to other nonprofit institutions and individuals; and

(iv) 41 CFR Part 1-15 with respect to contracts.

(2) The costs of nonexpendable personal property with an acquisition cost of $1,000 or more per unit, depreciation or use allowances, automatic data processing, memberships, subscriptions, and professional activities will be allowable if they have been specifically authorized by the Commissioner in the notification of grant award.

(3) Facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this part, and will be allowed only where specially justified by the applicant and specifically authorized by the Commissioner.

(4) Funds supplied under grants awarded under this paragraph usually will not be available to pay the general costs of overall education, training, or career employment preparation programs. Rather, funds will be available for payment of the incremental costs such as the costs necessary for effective planning, development, evaluation, testing, validation, and in some cases, dissemination, directly related to educational equity for women.

(b) *Long-term training projects.* (1) Grants for training projects designed to provide individual participants with full-time post-baccalaureate training with a duration of at least one academic year may include provision for the payment to:

(i) Grantees of tuition and fees; and

(ii) Participants of stipends, dependency allowances, and other costs, including child care, as the Commissioner may determine to be consistent with prevailing practices under comparable Federal programs.

(2) Provision for payments described in subparagraph (1) of this paragraph will be included in grant award documents at the discretion of the Commissioner, and only when the applicant requests these payments and provides sufficient information and justification in the application to satisfy the Commissioner that the payments would contribute substantially to the realization of the project objective to develop, test, and prepare for dissemination a successful model training program.

(3) If provisions for the payment of tuition and fees are included in a grant pursuant to this paragraph, the grantee may not charge participants in the training program for tuition and fees.

(c) *Payments for participation in validation of materials and programs.* (1) Projects may include in the grant or contract a provision for payments to non-educational participants (including parents, students, and others) and to educational personnel participants (including administrators, counselors, teachers, and others), whose participation is necessary for the validation of the programs or products developed by the project and who are not otherwise compensated for their time while participating.

(2) (i) Payments to non-educational participants may be made at rates not lower than the current Federal minimum wage rate nor higher than the rate set forth for educational personnel in subdivision (ii) of this subparagraph.

(ii) Except as provided under subdivision (iii) of this subparagraph, payments to educational personnel under this paragraph would be at the rate of $30 for each full day of participation up to $150 a week. For partial days involving less than 5 hours of attendance, the payments for this attendance would be at the rate of $6 per hour, subject to the weekly limit of $150.

(iii) Where participating educational personnel are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum hourly rate for any individual is more than $6 per hour, the individual would be compensated at the minimum hourly rate provided for under the collective bargaining agreement.

(3) Where a local educational agency or other educational agency or institution compensates teachers or other educational personnel whom it employs for their time in receiving training or participating in other activities under this paragraph and must also hire a substitute for the participant during the time of that participation, reimbursement may be made under the grant or contract which includes the component to the local educational agency or other educational agency or institution for the costs of hiring the substitute.

(4) No travel or dependency allowances will be paid for participation in any component under this paragraph.

(5) Participants in any short-term training may receive payments at the same rates as set forth in subparagraph (2) of this paragraph.

(6) Provision for payments described in this paragraph will be included in grant award documents or contracts at the discretion of the Commissioner, and only when the applicant requests these payments and justifies that the payments to the specific classes or groups of recipients to participate in the validation or training are necessary to carry out the program objective.

(d) *Indirect costs.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, indirect costs will be allowed under projects funded under this part in accordance with the applicable indirect cost rate allowances set out in Appendices B through D of subchapter A of this chapter.

(2) Indirect costs for training grants will be allowed at the lessor of:

(i) The level of indirect costs determined under subparagraph (1) of this paragraph; or

(ii) In grants where the Commissioner approves payments for stipends and dependency allowances under paragraph (b)(1)(ii) of this section, eight percent of the total direct costs, including stipends and dependency allowances.

(3) Indirect costs shall not be allowed under grants to individuals under this part.

(20 U.S.C. 1231c(b), 1232c(b)(2).)

[FR Doc.77-9817 Filed 3-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Closing Date for Receipt of Non-Competing Continuation Applications for General Grants

Notice is hereby given that pursuant to the authority contained in section 408 of Pub. L. 93-380 (20 U.S.C. 1866) as amended by Pub. L. 94-482, applications are being accepted for non-competing continuation grants under the Women's Educational Equity Act Program.

A notice of closing date for preapplications and applications for new awards is being published separately.

Pursuant to 45 CFR 160f.5(d), continuation awards may be made, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and any applicable regulation;

(ii) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation;

(iii) The extent to which the project is meeting applicable priorities; and

(iv) The extent to which continuation of Federal assistance to the project is in the best interests of educational equity for women.

In Fiscal Year 1977, $7,270,000 will be available for approximately 22 non-competing continuation awards and approximately 40 new general grants and 25 new small grant awards (small grant awards are limited to $15,000 each).

To be assured of consideration for funding, non-completing continuation applications should be received by the U.S. Office of Education, Application Control Center on or before May 20, 1977.

A. *Non-competing continuation applications set by mail.* A non-competing continuation application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.565. A non-competing continuation application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 16, 1977 as evidenced by the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Application Control Center will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered non-competing continuation applications.* A non-competing continuation to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays.

C. *Applicable regulations.* The regulations applicable to this program include (1) the Office of Education General Provisions Regulations (45 CFR Part 100a) and (2) the Women's Educational Equity Act proposed regulations published in this issue of the FEDERAL REGISTER when they are republished in final form and become effective. Applicants should prepare their applications in the light of the provisions in the proposed regulations.

(20 U.S.C. 1866.)

Dated: March 17, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program.)

[FR Doc.77-9819 Filed 3-31-77;8:45 am]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Closing Date for Receipt of Preapplications and Small Grant and General Grant Applications

Notice is hereby given that, pursuant to the authority contained in section 408 of Pub. L. 93-380 (20 U.S.C. 1866), as amended by Pub. L. 94-482, preapplications for new general grant awards and applications for new small and general grant awards in the Women's Educational Equity Act Program are being accepted from public agencies, private nonprofit organizations, or individuals to promote educational equity for women under 45 CFR Part 160f.

A notice of closing date for noncompeting continuation projects is being published separately.

In fiscal year 1977, $7,270,000 will be available for approximately 25 new small grants, 40 new general grants and 22 continuing projects. Small grants are not to exceed $15,000 each; general grant awards will range from approximately $35,000 to $175,000, with the average award expected to be about $95,000. It is expected that approximately one-half of all of the awards will be single-year grants, one-fourth will be multiyear grants and one-fourth will be continuations and contracts. Nothing in this paragraph is intended as a limitation binding the Office of Education to any particular pattern of distribution, except as may be required by statute or regulation.

Preapplications for general grants must be received by the U.S. Office of Education, Application Control Center on or before April 29, 1977.

A. *Small grant applications.* Applications for small grant award must be received by the U.S. Office of Education on or before May 23, 1977.

B. *General grant applications.* Applications for general grant awards must be received by the U.S. Office of Education on or before June 27, 1977.

C. *Preapplications and final applications sent by mail.* A preapplication sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.565.

Preapplications. A preapplication sent by mail will be considered to be received on time by the Application Control Center if: (1) The preapplication was sent by registered or certified mail not later than April 25, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or (2) The preapplication is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Application Control Center will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

Final applications. A final application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 13, 1977 for Small Grants and June 22, 1977 for General Grants as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner of Education will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

D. *Hand delivered preapplications and final applications.* A preapplication or final application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered preapplications and applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Neither preapplications nor final applications will be accepted after 4 p.m. on their respective closing date.

E. *State comment.* Concurrently with the submission of its preapplication and application to the Commissioner, a local educational agency (LEA) must provide

a copy of its application to the State educational agency (SEA) of the State in which the LEA is located. For verification of submission to the SEA, the LEA applicant must enclose in its preapplication and application to the Commissioner a copy of the dated cover letter used to forward a copy of its preapplication or application to the SEA. An SEA wishing to submit advice and comment on any LEA preapplication originating within its State may do so by forwarding such advice and comment to the Women's Program Staff, U.S. Office of Education, Room 2145, 400 Maryland Avenue, SW., Washington, D.C. 20202. Advice and comments received from SEA's Advice and comments received from SEA's and will be considered in reviewing such preapplications and applications if they are received no later than May 11, 1977, respecting preapplications, no later than June 10, 1977, respecting LEA applications for small grants, and no later than July 11, 1977, respecting LEA applications for general grants.

F. *Program information and forms.* Information and application forms may be obtained from the Women's Program Staff, U.S. Office of Education (see address under paragraph E above).

G. *Applicable regulations.* The regulations applicable to this program include (1) the Office of Education General Provisions Regulations (45 CFR Part 100a) and (2) the Women's Educational Equity Act Program proposed regulations published in this issue of the FEDERAL REGISTER when they are republished in final form and become effective. Applicants should prepare their preapplications and applications in the light of the provisions in the proposed regulations.

(20 U.S.C. 1866)

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program)

Dated: March 17, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-9818 Filed 3-31-77;8:45 am]

federal register

FRIDAY, APRIL 1, 1977

PART VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

HOUSING LOANS FOR ELDERLY OR HANDICAPPED

Requests for Fund Reservations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-77-744]

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Invitation for Requests for Fund Reservations

Notice is hereby given, pursuant to Title 24, Code of Federal Regulations, Part 885 (see 41 FR 8314), as amended on January 28, 1977 (see 42 FR 5568), that the Department of Housing and Urban Development will be accepting Requests for Fund Reservations from eligible Applicants (see Section 885.5 for the definition of "Applicant" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended by the Housing and Community Development Act of 1974 and the Housing Authorization Act of 1976.

All requests for Section 202 Fund Reservations by eligible Applicants must be filed with HUD on the application Form FHA 3128-EH,[1] together with such attachments and additional information as are required by such form and Section 885.210, except that Exhibit 4 information shall be submitted even though the Applicant and Borrower are to be the same entity. Because of this change, the second paragraph of Exhibit 4 is not applicable. Applicants may file such Requests for Section 202 Fund Reservations with the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, Attention: Correspondence Unit, Room 9108, 451 7th Street, S.W., Washington, DC. 20410, at any time within sixty (60) days following the date of this Invitation. No Requests will be accepted after 5:15 p.m. on May 31, 1977, unless said final date for the submission of Requests for Section 202 Fund Reservations is extended by the Assistant Secretary by publication of an extension notice in the FEDERAL REGISTER.

Pursuant to § 885.205(b), this is to serve notice that:

(1) Under this Invitation for Requests for Section 202 Fund Reservations no single Applicant shall receive a reservation of loan funds in a single HUD Region in excess of that necessary to finance the construction or substantial rehabilitation of three hundred (300) units of Housing and Related Facilities;

(2) The eligibility requirements for Applicants shall be as set forth in Part 885;

(3) Requests for Section 202 Fund Reservations shall include the information called for in § 885.210.

(4) HUD intends to make contract authority under Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, available out of future appropriations for successful Applicants.

(5) Section 202 fund reservations will be distributed among successful Applicants in accordance with the requirements of § 885.215 (Approval of Requests for Fund Reservations) on the basis of all of the information furnished by the Applicants on the application Form FHA-3128-EH and pursuant to § 885.210 of the regulations.

Pursuant to § 885.410(d), this is to serve further notice that the Assistant Secretary has established one-half of one-percent (.5%), not to exceed $10,000, of the total HUD-approved Section 202 mortgage amount to be the minimum capital investment for Section 202 Borrowers. This requirement applies to all Section 202 Borrowers receiving HUD Field Office approval of a Request for Section 202 Direct Loan Financing (under the provisions of § 885.400 et seq.) as a result of this Invitation. Said minimum capital investment shall apply to all Section 202 projects developed as a consequence of this Invitation and shall remain in effect unless altered by the Assistant Secretary by publication in the FEDERAL REGISTER of a revision to the minimum capital investment requirement. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minimum capital investment requirement.

Interested Applicants are invited to submit Requests for Section 202 Fund Reservations in accordance with the above. Additional information regarding the Section 202 Program may be found in Part 885; the requirements for the construction or substantial rehabilitation of housing for lower income families under the Section 8 Housing Assistance Payments programs are found in Parts 880 and 881.

A Finding of Inapplicability of Section 102(2)(c), National Environmental Policy Act of 1969, has been made in connection with the final Section 202 Regulations, Part 885, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182) and governs this Notice. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Issued at Washington, D.C., on March 29, 1977.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended by Sec. 210, Housing and Community Development Act of 1974; Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).)

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.77-9798 Filed 3-31-77;8:45 am]

[1] Form filed as a part of the original. Copies are available at HUD, Washington, D.C., Room 9276, and in each HUD Regional, Area and Insuring Office.

Office of the Secretary

[Docket No. N-77-743]

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Program Availability, Suspension of Certain Regulation Provisions and Waiver of Other Regulation Provisions as to Certain Applicants

The Department of Housing and Urban Development (HUD) published on January 31, 1977, at 42 FR 5924 a proposed rule which would decentralize the authority for approving section 202 Loans to HUD Field Offices, partially consolidate section 202 and section 8 application and review procedures and revise the criteria to be used in making selections among eligible Borrowers. These changes were originally intended to be applicable to section 202 loan commitments made during fiscal year 1977. In order to better assure that section 202 loan funds made available for obligation during fiscal year 1977 by the Congress will be obligated before the end of the fiscal year and thus will not lapse, HUD has determined to follow the procedures prescribed in the Final Rule published on February 25, 1976 at 41 FR 8314, as amended on January 28, 1977 at 42 FR 5568, for section 202 loan commitments made during the current fiscal year. The Department has made no final decision regarding decentralizing the sponsor selection process for subsequent fiscal years. Comments received as a result of publishing the Proposed Rule on January 31, 1977, are being studied carefully. After the analysis of those comments is complete, a Final Rule will be published to be effective in fiscal year 1978.

Accordingly, HUD Central Office is issuing an Invitation for Requests for Fund Reservations to private nonprofit corporations and nonprofit consumer cooperatives to submit Requests for section 202 Fund Reservations to HUD Central Office. HUD Central Office will reserve funds for successful Applicants which will assure them of section 202 financing for use in a designated Region for a Project to be developed in accordance with HUD requirements.

Generally, the same requirements and procedures utilized in connection with the Invitation for and approval of Requests for Fund Reservations pursuant to the Invitation published on September 24, 1975 (40 FR 43943), for the fiscal year 1976 program, will be followed for the fiscal year 1977 program, with one important exception. Because there may not be sufficient section 8 contract authority available prior to the end of the current fiscal year for allocation to section 202 projects in accordance with section 885.300 of the Final Rule, this provision is being suspended for the fiscal year 1977 program. For the same reasons, the portion of section 885.205(b) which requires an Invitation to state that section 8 contract authority will be set aside for successful Applicants and section 885.215 (b)(3) which conditions a section 202 fund reservation on approval of the proj-

ect for section 8 assistance likewise are being suspended for the fiscal year 1977 program. In addition, section 8 requirements under Subpart D of the Final Rule are bing waived as to those Borrowers who have not been provided by HUD with a commitment of section 8 contract authority at the time of the specified action. It is intended that section 8 Preliminary and Final Proposals will be submitted and processed and that HUD will make available and the Borrower will accept section 8 contract authority when it becomes available for a section 202 project.

Accordingly, §§ 885.215(b(3), 885.300, and the portion of § 885.205(b) which specifies that section 8 contract authority will be set aside for successful Applicants are suspended as to all reservations of section 202 loan funds made subsequent to September 30, 1976, but made on or before September 30, 1977. This suspension does not apply to increases in fund reservations granted during fiscal year 1977 for Applicants which received section 202 fund reservations in fiscal year 1976 or the Transition Quarter. All requirements with respect to section 8 under Subpart D of the Final Rule are waived as to those Borrowers who have not been provided by HUD with a commitment of section 8 contract authority at the time of the specified action.

A Finding of Inapplicability of section 102(2)(c), National Environmental Policy Act of 1969, has been made in connection with the final section 202 Regulations, Part 885, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182) and governs this Notice. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Issued at Washington, D.C. on March 29, 1977.

(Section 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended by Section 210, Housing and Community Development Act of 1974; Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-9797 Filed 3-31-77;8:45 am]

federal register

FRIDAY, APRIL 1, 1977
PART VII

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Reinsurance Against Excess Aggregate Loss Resulting From Riots or Civil Disorders

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-77-742]

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Notice of Offer To Provide Reinsurance Against Excess Aggregate Loss Resulting From Riots or Civil Disorders

The purposes of this notice are: (1) To offer publicly Federal reinsurance against excess aggregate losses resulting from defined riots or civil disorders to insurers eligible for such reinsurance for the contract year commencing May 1, 1977, and ending April 30, 1978 (or September 30, 1978 if such authority is enacted by Congress);

(2) To provide the method by which the offer my be accepted; and

(3) To set forth the terms and conditions of the Standard Reinsurance Contract (1977-78).

Since the offer to provide reinsurance and the terms and conditions of the Standard Reinsurance Contract for the May 1, 1977, to April 30, 1978, contract year must appear in time for acceptance by eligible insurers on or before April 30, 1977, this notice of offer to provide insurance against excess aggregate losses resulting from riots or civil disorders is effective upon April 1, 1977. The program authority to continue reinsurance beyond April 30, 1977, requires the enactment of Federal legislation currently under consideration by the Congress. Therefore, the validity of this offer is conditioned upon the enactment of the enabling legislation.

The Standard Reinsurance Contract (1977-78) provides for an aggregate basic premium rate of $0.02 per $100 of direct premiums earned on lines reinsured.

Both the aggregate basic premium and the additional premium, if any, are payable on an advance estimated basis as specified in the contract. Interest shall accrue at 6 percent (6%) per annum on any portion of any amount due the reinsurer which is not paid to the reinsurer within 30 days from its due date.

The offer to provide reinsurance is as follows:

Offer to Provide Reinsurance

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb-1749bbb-21), subject to all regulations promulgated thereunder and, to the terms and conditions set forth in the Standard Reinsurance Contract (1977-78) as printed below, the Federal Insurance Administrator (hereinafter referred to as the "reinsurer") offers to enter into the Standard Reinsurance Contract (1977-78), the terms and conditions of which are as printed hereinbelow, with any eligible insurer which accepts this offer. The reinsurer's offer to provide reinsurance is effective upon publication of this notice in the Federal Register.

Method of Acceptance of Offer

(1) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. If the date and time of dispatch of the notice of acceptance are not later than midnight, e.d.t., April 30, 1977, reinsurance coverage shall be in effect from 12:01 a.m., e.d.t., May 1, 1977. If the date and time of dispatch of the notice of acceptance are later than midnight, e.d.t., April 30, 1977, reinsurance coverage shall be in effect from 12:01 a.m., e.d.t., on the day after such notice of acceptance is dispatched. The date and time of dispatch of the notice of acceptance must be clearly shown either by telegraph dispatched notation or postmark, and such notation or postmark shall be conclusive proof of the date and time of dispatch.

(2) The telegram or letter accepting this offer of reinsurance shall indicate the States in which reinsurance on lines of mandatory coverage is to be provided and shall specifically designate for each such State the lines of optional coverage, if any, for which reinsurance is to be provided. The notice of acceptance shall be in substantially the following form:

The (name of insurer or insurers) hereby accepts the offer, as filed with the Office of the Federal Register, of the Standard Reinsurance Contract (1977-78), pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended, for the mandatory and (specify) optional lines in the following States: (specify).

(3) Any eligible insurer accepting this offer of reinsurance shall be supplied copies of the Standard Reinsurance Contract (1977-78), Form HUD 1601, for execution and return to the reinsurer.

Terms and Conditions of the Standard Reinsurance Contract (1977-78)

(At this point in the contract, the insurance company or companies reinsured are required to list the names and addresses of the principal company and all property insurance companies under common or related ownership or control as defined in the contract, and space is provided for the execution of the contract by the parties.)

This Contract, made by and between the Federal Insurance Administrator (hereinafter referred to as the "Reinsurer") and the company or companies specified above (hereinafter referred to as the "Company".

Witnesseth: Subject to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended, and to the terms and conditions herein set forth, the Reinsurer hereby obligates itself to pay, as reinsurance of the Company the amount of the Company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

Sec. I. *Policies reinsured.* This Standard Reinsurance Contract applies to:

(A) All policies or contracts of direct property insurance issued by the Company to any property owner, except for policies for which the business is handled for or through any State pool or any other continuing organization, pool, or association of insurers, and

(B) The Company's participations in State pools and, as may be approved by the Reinsurer, in other continuing organizations, pools, or associations of insurers, which policies, contracts, or participations are in force on the effective date hereof or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed below as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

Lines Of Mandatory Coverage

(A) Fire and extended coverage;

(B) Vandalism and malicious mischief;

(C) Other allied lines of fire insurance;

(D) Burglary and theft; and

(E) Those portions of multiple peril policies covering similar perils to those provided in (A), (B), (C), (D);

Lines Of Optional Coverage

(F) Inland marine;

(G) Glass;

(H) Boiler and machinery;

(I) Ocean marine;

(J) Aircraft physical damage.

Section II. *Premiums.* The aggregate basic premium due the REINSURER for the reinsurance coverage provided under this contract shall be computed by applying an annual rate of two hundredths of one per centum (0.02%) to an aggregate premium base consisting of the sum of the products of the Company's direct premiums earned in each State for each reinsured line for the calendar year 1977 multiplied by the specific percentage of such earned premium, as defined in sec. XVII of this contract.

If the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1977, and April 30, 1978, exceeds the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts, the Company shall be obligated to pay the Reinsurer, at or subsequent to adjustment, an additional premium determined on the basis of the amount of the remainder derived by subtracting the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts from the total amount of all excess aggregate losses paid by the Reinsurer under all such contracts. The amount of the additional premium shall be equal to the product of the COMPANY's aggregate basic premium multiplied:

By a factor of one, if the remainder is greater than two times the total amount of all aggregate basic premiums under all such

contracts, but is less than or equal to three times that amount;

By a factor of two, if the remainder is greater than three times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to four times that amount;

By a factor of four, if the remainder is greater than six times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to eight times that amount;

By a factor of six, if the remainder is greater than ten times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to twelve times that amount;

By a factor of eight, if the remainder is greater than twelve times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to fourteen times that amount;

By a factor of ten, if the remainder is greater than eighteen times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to twenty times that amount; or

By a factor of twelve, if the remainder is greater than twenty times the total amount of all aggregate basic premium under all such contracts.

An advance premium, which shall be an estimated premium only, shall be computed by the Company on the basis of its direct premiums earned in the calendar year 1976 in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of this contract for which the Company had no premium writings in 1976, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of this contract. In no event shall the advance premium be less than $25.00 for each State in which Reinsurance is provided under this contract. The advance premium shall be paid to the Reinsurer without demand within 30 days from the effective date of coverage.

At the option of the Reinsurer and prior to adjustment, the Company shall pay the additional premium on an estimated basis. An estimated additional premium payment equal to the amount of the Company's advance premium shall be payable to the Reinsurer if the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued by the Reinsurer for the period between May 1, 1977, and April 30, 1978, exceeds the total amount of all estimated premiums collected by the Reinsurer under all such contracts (the total amount of all advance premiums plus the total amount of any estimated additional premium payments). The total amount of estimated additional premium payments, whether required separately or concurrently, shall not exceed twelve times the amount of the Company's advance premium. The actual amount of the additional premiums shall subsequently be computed and adjusted in accordance with the provisions of the preceding paragraphs and sec. VII.

With the exception of the advance premium which is due without demand of the Reinsurer within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the Reinsurer. Interest shall accrue at six per centum (6%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

The aggregate basic premium, together with any additional premium which may be due the Reinsurer in accordance with the preceding paragraphs, shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in sec. VI.

SEC. III. *Assessments.* If any other company (or companies) reinsured by the Reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of this contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the Reinsurer, then the Company, on demand of the Reinsurer, shall pay to the Reinsurer as assessment sufficient to meet the Company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed funding applied in successive order as follows:

(1) All basic and additional premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from May 1, 1977, through April 30, 1978, for reinsurance in such State in accordance with the provisions of sec. II and sec. VII of this contract.

(2) A share from the National Insurance Development Fund in proportion that any remaining deficits bear to the lesser of (a) the total of such deficits or (b) four times the amount of all aggregate basic premiums paid or payable to the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1977, and April 30, 1978.

(3) The unused net amount, or part thereof equal to such State deficits, of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30, 1977 (including investment income earned thereon through April 30, 1975) for reinsurance in such State.

(4) A share of all additional premiums paid or payable to the Reinsurer under this contract and all like Standard Reinsurance Contracts for the period between May 1, 1977, and April 30, 1978, which have not been used under sec. 3(1) above in proportion that any remaining deficits bear to the lesser of (a) the total of such deficits or (b) the total of the unused additional premiums.

(5) A share from the National Insurance Development Fund in proportion that any remaining deficits bear to the lesser of (a) the total of such deficits or (b) six times the amount of all aggregate basic premiums paid or payable to the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1977, and April 30, 1978.

Such share of any remaining deficit for a State shall be in the proportion that:

(A) The amount, if any, by which the Company's net retention in lines reinsured hereunder in such State exceeds the Company's aggregate losses in such lines, bears to

(B) The aggregate amount of unabsorbed net retention for all the lines of insurance of all companies reinsured hereunder in such State, but such share shall not exceed the amount of the Company's unabsorbed net retention under (A). An assessment will be required only after the termination of coverage provided by this contract.

SEC. IV. *Claims.* The Company shall advise the Reinsurer by letter (A) of all losses from a single occurrence which exceed $50,000 and (B) whenever it appears that aggregate losses have been incurred in an amount equal to 90 percent (90%) of the Company's net retention in any State, on the basis of its direct premiums earned and reported to the Reinsurer for the calendar year 1976.

When the Company incurs aggregate losses which exceed its net retention in any State, the Company may make claim upon the Reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of such losses as may be required by the Reinsurer, and following the receipt of such certifications and documentation and Reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the Reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses paid), pay to the Company the amount of such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

If the ultimate amount of losses to be paid by the Company has not been finally determined when the certification of loss is filed, the Company shall, in due course, file one or more supplementary certifications of loss and thereafter the Reinsurer or the Company, as the case may be, shall pay the balance due.

Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1976 shall be recomputed and adjusted at the termination of the coverage provided by this contract on the basis of direct premiums earned in reinsured lines for the calendar year 1977.

SEC. V. *Inception and expiration dates.* Provided the Company has requested reinsurance by States and lines of coverage on or before April 30, 1977, this Standard Reinsurance Contract shall be in effect from 12:01 a.m. e.s.t. on May 1, 1977, and shall expire at 12:00 p.m. (midnight) e.s.t. on April 30, 1978, unless sooner terminated.

If the Company applies for coverage on or after May 1, 1977, this contract

shall be effective from 12:01 a.m., e.s.t. on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the Company requests coverage by State and line and otherwise complies with the eligibility requirements of this contract.

This contract applies only to losses occurring during the term hereof, as follows:

(A) If at the inception of this contract any riot or civil disorder is in progress, no coverage shall be provided for losses resulting therefrom unless this contract is a continuation of coverage from the previous year's contract.

(B) If this contract terminates while a riot or civil disorder covered hereby is in progress, no coverage shall be provided for any losses resulting therefrom which occur after the date and time of termination of this contract.

SEC. VI. *Cancellations.* Reinsurance under this contract may be cancelled by the Company in its entirety or with respect to any State upon written notice by the Company to the Reinsurer stating that it desires to cancel the reinsurance coverage specified and that it will pay any premium due the Reinsurer in accordance with the provisions of this contract, subject to any adjustments which may be required under sec. VII; provided, however, that no coverage shall attach under this contract if the Company has willfully concealed or misrepresented any material fact with respect thereto.

Reinsurance under this contract may be cancelled by the Reinsurer in its entirety or with respect to any State upon 30 days written notice to the Company of such cancellation, stating the reasons for cancellation, which shall be limited to one or more of the following grounds: fraud or misrepresentation subsequent to the inception of the contract, nonpayment of premium or any other amount due the Reinsurer, and the grounds set forth in the second paragraph of sec. XII.

Whenever the Reinsurer determines, in his discretion, that any cancellation of reinsurance is involuntary and without fault on the part of the Company, the premium due the Reinsurer for the coverage afforded under this contract shall be prorated in the ratio of:

(A) The number of days for which coverage was provided prior to the cancellation of such coverage plus thirty, to

(B) The total number of days of coverage provided under this contract from the inception of coverage up to and including April 30, 1978.

In the event of any cancellation of reinsurance coverage under this section, the net retention and assessment of such Company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1977. Refunds of premiums, if any, due the Company upon cancellation may, at the discretion of the Reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of sec. VII hereof.

SEC. VII. *Adjustments.* The Company shall report to the Reinsurer within 60 days after request its direct premiums earned for the calendar year 1977 in all reinsured lines in all States for which reinsurance was provided under this contract, for the purpose of computing and adjusting the reinsurance premium due to the Reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which the company had no premium writings in such line in 1977 shall be the direct premiums earned for the first four months of 1978 as estimated by the Company, subject to audit by the Reinsurer.

In no event shall the adjusted amount of direct premiums earned by the Company result in a basic premium to the Reinsurer in an amount less than $25 for each State during the contract year, which shall constitute the minimum adjusted reinsurance premium for any State under this contract.

On or before July 31, 1978, or such later date as may be permitted at the option of the Reinsurer, the Company shall report to the Reinsurer its aggregate losses.

Any overpayment or underpayment between the Reinsurer and the Company shall be adjusted and paid in accordance with the obligations assumed hereinunder.

SEC. VIII. *Insolvency.* In the event of insolvency of the Companw the reinsurance under this contract shall be payable by the Reinsurer to the Company or to its liquidator, receiver, or statutory successor on the basis of the liability of the Company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the Company.

It is further agreed that the liquidator, or receiver, or statutory successor of the Company shall give written notice to the Reinsurer of the pendency of any claim against the Company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the Reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the Company or its liquidator, receiver, or statutory successor. The expense thus incurred by the Reinsurer shall be chargeable, subject to court approval, against the Company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the Company solely as a result of the defense undertaken by the Reinsurer.

SEC. IX. *Errors and omissions.* Inadvertent delays, errors, or omissions made in connection with any transaction under this contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error or omission is rectified as soon as possible after discovery.

SEC. X. *Restriction of benefits.* No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

SEC. XI. *Participation in statewide plans.* No reinsurance shall be offered or effective under this contract in any State unless there is in effect in such State, on the date coverage commences, a continuing statewide plan to make essential property insurance more widely available, and the Company is fully participating in such plan on a risk-bearing basis and is certified by the State insurance authority as meeting the requirements of this section. Except with respect to its runoff business after ceasing to do business within a State, the Company shall not be eligible for reinsurance under this contract in any State in which it is not engaged in the direct writing of property insurance at the time coverage is requested, or in which it is writing business on a nonadmitted basis, unless it reports such nonadmitted business to the State insurance authority and participates in the statewide plan of such State on the basis of such reported business. The Company shall file and maintain with the State insurance authority in each State in which it is participating in the statewide plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the Reinsurer. The Company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The Company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

In the event that the Company after the inception of this contract voluntarily withdraws from any State plan, pool, or other facility required by the provisions of this section, such withdrawal shall be deemed to constitute cancellation by the Company with respect to that State as of the effective date of the withdrawal.

SEC. XII. *Limitations on reinsurance.* Reinsurance hereunder shall not be applicable to insurance policies subsequently written in a State by the Company after the close of the second full regular session of the appropriate State legislative body following August 1, 1968, if the State has not enacted legislation to reimburse the Reinsurer, as necessary, for the portion of the aggregate losses specified in section 1223(a)(1) of the National Housing Act, as amended (12 U.S.C. 1749bbb-9(a)), paid by the Reinsurer under this contract.

The Reinsurer shall cancel coverage, in accordance with the provisions of this

contract, with respect to any State in which:

(A) The Reinsurer has found (after consultation with the State insurance authority) that (1) it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted, or (2) the Company is not fully participating in the Statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(B) Following a merger, acquisition, consolidation, or reorganization involving the Company and one or more insurers with or without such reinsurance, the surviving insurer does not meet all criteria or eligibility for reinsurance and within 10 days pay any reinsurance premiums due; or

(C) The Reinsurer has found (after consultation with the State insurance authority) that a statewide plan is not complying with the Reinsurer's statutory or regulatory criteria or has become inoperative.

Notwithstanding the foregoing provisions, reinsurance may at the election of the Company be continued, up to and including April 30, 1978, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section, provided the Company pays the reinsurance premiums in such amounts as may be required. For the purposes of this section, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made effective.

Reinsurance under this contract shall be subject to all of the provisions of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21, as amended, and to all regulations duly promulgated by the Reinsurer pursuant thereto prior to the inception of any particular coverage provided under this contract.

SEC. XIII. *Arbitration.* If any misunderstanding or dispute arises between the Company and the Reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provisions of this contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the Reinsurer. The Company and the Reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the Company and the Reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the Reinsurer.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the Reinsurer. The Company and the Reinsurer shall bear equally all expenses of the arbitration.

Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the Reinsurer or the Company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

SEC. XIV. *Access to books and records.* The Reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this contract. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

SEC. XV. *Information and annual statements.* The Company shall furnish to the Reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, as amended, in such form as the Reinsurer, in cooperation with the State insurance Authority, shall prescribe; and the Company shall file with the Reinsurer a true and correct copy of the Company's Fire and Casualty annual statement, or amendment thereof, as field with the State insurance authority of the Company's domiciliary State, at the time it files such statement or amendment with the State insurance authority. The Company shall also file with the Reinsurer an equivalent of page 14 of such annual statement for each State in which reinsurance is provided under this contract.

SEC. XVI. *Exclusions.* Reinsurance under this contract shall not be applicable with respect to any claim for:

(A) All or any part of a loss which is the direct or indirect result of controlled or uncontrolled nuclear reaction, radiation, or radioactive contamination; or

(B) Any loss to any aircraft while the aircraft is in flight, including that period between the time when power is turned on for the purpose of taxiing connected to takeoff until the time when the landing run has ended, taxiing has been completed, and power has been turned off; or

(C) Any loss to any aircraft, or resulting from collision with aircraft, which is precipitated or caused by hijacking of any aircraft or attempt thereat, including loss from wrongful seizure, wrongful diversion from course of flight pattern, or wrongful exercise of command or control, of an aircraft, by any person or persons, through the use of force or violence or the threat of force or violence.

SEC. XVII. *Definitions.* As used in this contract the term:

(1) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State and allocable to a State in which reinsurance is provided;

(2) "Company" means any company authorized to engage in the insurance business under the laws of any State, except that if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the Reinsurer:

(A) Are under common ownership and ordinarily operate on a group basis; or

(B) Are under single management direction; or

(C) Are otherwise determined by the Reinsurer to have substantially common or interrelated ownership, direction, management, or control; then all such related, associated, or affiliated companies, excluding nonadmitted companies, which are not specifically included by endorsement to this contract, shall be reinsured only as one aggregate entity;

(3) "Continuing organization, pool, or association of insurers" means an industry pool created to provide direct insurance to meet special problems or insurability, such as for a particular class or type of business;

(4) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the Company's Fire and Casualty annual statement for the specified calendar year in the form adopted by the National Association of Insurance Commissioners, subject to (A) adjustment as approved by the Reinsurer for cessions to pools, facilities, and associations, and for the inclusion of participations in such pools, facilities, and associations, and (B) such other appropriate adjustments as may be approved or required by the Reinsurer, which shall include adjustments for dividends paid or credited to policyholders and reported in column 3 on page 14, subject to a maximum credit of 20 percent (20%) of direct premiums earned for any one line of insurance;

(5) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of:

(A) Ninety percent of the Company's aggregate losses in excess of its net retention, until the Company's 10 percent share of aggregate losses under this provision (A) equals the amount of its net retention;

(B) Ninety-five percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A)) in excess of twice its net retention, until the Company's 5 percent share of aggregate losses

under this provision (B) equals the amount of its net retention; and

(C) Ninety-eight percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A) and (B)) in excess of an amount equal to three times its net retention;

(6) "Losses" means all claims proved, approved, and paid by the Company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of this contract after making proper deduction for salvage and for recoveries other than reinsurance, together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of 8 percent (8%) of the first $25,000 of any such claim, plus 3 percent (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus 1 percent (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under sec. XVI;

(7) "Net retention" means the amount of aggregate losses that the Company must stand before the Reinsurer's liability hereunder attaches and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of 2½ percent (2½%) to the specified percentage of the Company's direct premiums earned in the State for the calendar year 1977 on those lines of insurance hereby reinsured;

(8) "Loss resulting from riot" means loss of or damage to property actually and immediately resulting from an overt and tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in designed concert, in the execution of a common purpose through the unlawful use of force and violence.

"Loss resulting from civil disorder" means: (A) Loss of or damage to property actually and immediately resulting from any pattern of unlawful incidents taking place within close proximity both as to time and place and involving damage to property intentionally caused by persons apparently having the primary motivation of disturbing the public peace through civil disruption, civil disobedience, or civil protest; provided that at least two of such related incidents result in property damage in excess of $1,000 each; or

(B) Loss of or damage to property actually and immediately resulting from any occurrence involving property damage in excess of $2,000 caused by persons whose unlawful conduct in so causing the occurrence manifests their primary purpose of disturbing the public peace through civil disruption, civil disobedience, or civil protest.

(9) "Specified percentage" means 100 percent (100%) of the direct premiums earned for each line of insurance reinsured under this contract except that the specified percentage of homeowners multiple peril shall be 85 percent (85%) and that of Commercial multiple peril shall be 65 percent (65%);

(10) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands; and

(11) "State pool" means any State Fair Plan pool or insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb-3—1749bbb-6a).

SEC. XVIII. *Schedule of coverage.* The Company shall indicate with an (X) in the appropriate column and line those States in which the mandatory lines are to be reinsured under this contract. Coverage of mandatory lines may be designated only for those States in which the Company is eligible for reinsurance in accordance with sec. XI of this contract.

The Company shall also indicate by State with an (X) in the appropriate column and line any optional lines which are to be reinsured under this contract. Coverage of optional lines is available only for those States in which the mandatory lines are reinsured.

(The schedule of mandatory and optional coverages by State and line is set forth at this point in the Contract.)

SEC. XIX. *Law Amendments.* In the event the provisions in Section 1222(d) of the Urban Property Protection and Reinsurance Act of 1968, as amended, are changed to conform with the September 30 expiration date of the Federal government's fiscal period, this reinsurance contract is automatically extended from "April 30, 1978" to "September 30, 1978" and the contractual references to "April 30, 1978" are amended to "September 30, 1978."

No change will be made in the computation of the advance premiums due.

The aggregate basic premium for the 17 month coverage period will be computed by applying a factor of 1.4 to the aggregate basic premium determined in accordance with Section II of this contract. The aggregate basic premium used as the base for computing other elements in the contract are also amended to 1.4 x the annual aggregate basic premium.

Under Section III of the contract the reference to "the first four months of 1978" is amended to "the first nine months of 1978" and the contractual reference to "on or before July 31, 1978" is amended to "on or before December 31, 1978."

Under Section XVII the definition of "Net Retention" is amended by substituting for the annual factor of two and one half per centum (2½%) a factor of three per centum (3%).

Effective date: This Notice of Offer shall be effective on April 1, 1977.

Issued at Washington, D.C. on March 29, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-9799 Filed 3-31-77;8:45 am]

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4-1-77

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federal register

BOOK 2 OF 2 BOOKS

FRIDAY, APRIL 1, 1977

PART VIII

INTERSTATE COMMERCE COMMISSION

■

MISSOURI PACIFIC RAILROAD COMPANY

System Diagram Map

INTERSTATE COMMERCE COMMISSION

[AB-3 (SDM)] [1]

MISSOURI PACIFIC RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Missouri Pacific Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB-3 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on March 21, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-3 (SDM).

ROBERT L. OSWALD,
Secretary.

MISSOURI PACIFIC SYSTEM LINES

AB-21

ABILENE & SOUTHERN RAILWAY COMPANY

CHICAGO HEIGHTS TERMINAL TRANSFER COMPANY

DONIPHAN, KENSETT AND SEARCY RAILWAY

AB-24

FORT WORTH BELT RAILWAY COMPANY

MISSOURI-ILLINOIS RAILROAD COMPANY

AB-3

MISSOURI PACIFIC RAILROAD COMPANY

AB-142

NEW ORLEANS AND LOWER COAST RAILROAD COMPANY

ST. JOSEPH BELT RAILWAY COMPANY

AB-22

TEXAS-NEW MEXICO RAILWAY COMPANY

AB-23

TEXAS PACIFIC-MISSOURI PACIFIC TERMINAL RAILROAD OF NEW ORLEANS

UNION TERMINAL RAILWAY COMPANY

AB-25

WEATHERFORD MINERAL WELLS & NORTHWESTERN RAILWAY COMPANY

The system diagram maps of the Missouri Pacific System Lines are attached below and are submitted for publication in the FEDERAL REGISTER pursuant to the regulations of the Interstate Commerce Commission as set forth in 49 CFR 1121.22.

RICHARD S. M. EMRICH, III
Commerce Counsel,
Missouri Pacific Railroad Company.

[1] AB-3 (SDM) includes all Missouri Pacific System Lines subsidiaries: AB-21, Abilene & Southern Railway Company, Chicago Heights Terminal Transfer Company, Doniphan, Kensett and Searcy Railway Company; AB-24, Fort Worth Belt Railway Company, Missouri-Illinois Railroad Company; AB-142, New Orleans and Lower Coast Railroad Company, St. Joseph Belt Railway Company; AB-22, Texas-New Mexico Railway Co.; AB-23, Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, Union Terminal Railway Company; AB-25, Weatherford Mineral Wells & Northwestern Railway Company.

MISSOURI PACIFIC SYSTEM LINES

ABILENE & SOUTHERN RAILWAY COMPANY	(AB-81)
CHICAGO HEIGHTS TERMINAL TRANSFER COMPANY	
DONIPHAN, KENSETT AND SEARCY RAILWAY	
FT. WORTH BELT RAILWAY COMPANY	(AB-84)
MISSOURI-ILLINOIS RAILROAD COMPANY	
MISSOURI PACIFIC RAILROAD COMPANY	(AB-3)
NEW ORLEANS AND LOWER COAST RAILROAD COMPANY	
ST. JOSEPH BELT RAILWAY COMPANY	
TEXAS-NEW MEXICO RAILWAY COMPANY	(AB-22)
TEXAS PACIFIC-MISSOURI PACIFIC TERMINAL RAILROAD OF NEW ORLEANS	(AB-23)
UNION TERMINAL RAILWAY COMPANY	
WEATHERFORD MINERAL WELLS & NORTHWESTERN RAILWAY COMPANY	(AB-25)

MISSOURI PACIFIC SYSTEM DIAGRAM MAP

Scale: 0 25 50 75 100 Miles

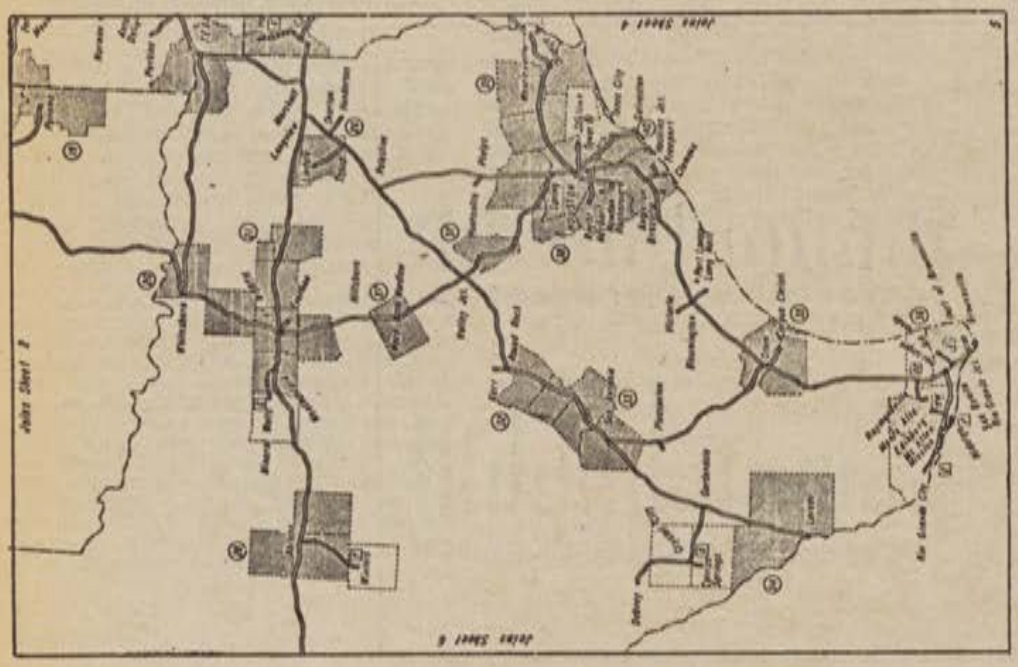
Dec. 2, 1976

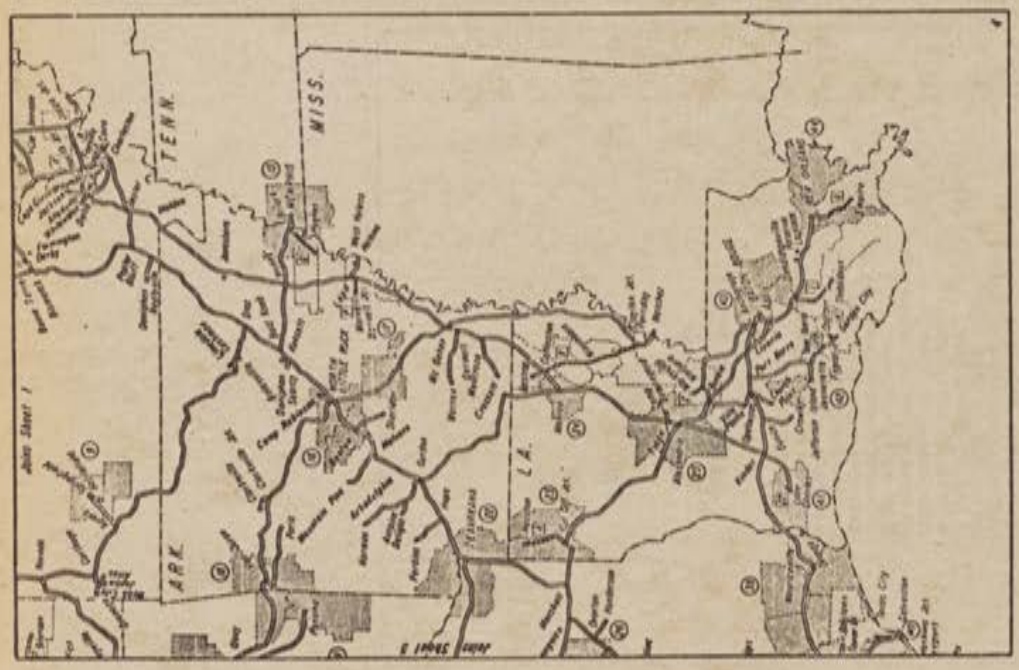
LEGEND

Abandonment Application Pending Before Commission	
Lines Potentially Subject to Abandonment	
Lines Anticipated Will Be Subject of Abandonment Application Within 3 Years	
Other Lines Operated	
State Lines	
County Lines	
S.M.S.A.	
Towns Over 5000 Not On Our System	•

STANDARD METROPOLITAN STATISTICAL AREAS

1	Omaha	23	Shreveport
2	Lincoln	24	Monroe
3	Topeka	25	Alexandria
4	St. Joseph	26	Tyler
5	Kansas City	27	Waco
6	Pueblo	28	Abilene
7	Wichita	29	Midland
8	Tulsa	30	Odessa
9	Springfield	31	El Paso
10	Columbia	32	Austin
11	St. Louis	33	San Antonio
12	Champaign-Urbana-Rantoul	34	Laredo
13	Chicago	35	Corpus Christi
14	Gary-Hammond-East Chicago	36	Brownsville-Harlingen-San Benito
15	Memphis	37	Bryan-College Station
16	Little Rock-North Little Rock	38	Houston
17	Pine Bluff	39	Beaumont-Port Arthur-Orange
18	Fayetteville-Springdale	40	Galveston-Texas City
19	Fort Smith	41	Lake Charles
20	Sherman-Denison	42	Lafayette
21	Dallas-Ft. Worth	43	Baton Rouge
22	Texarkana-Texarkana	44	New Orleans

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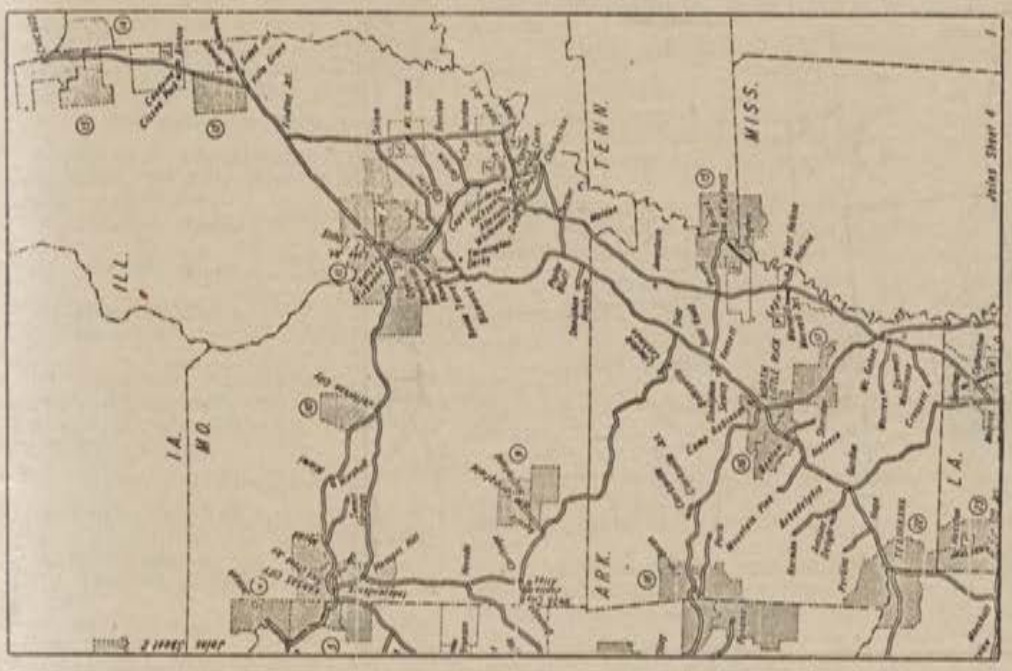
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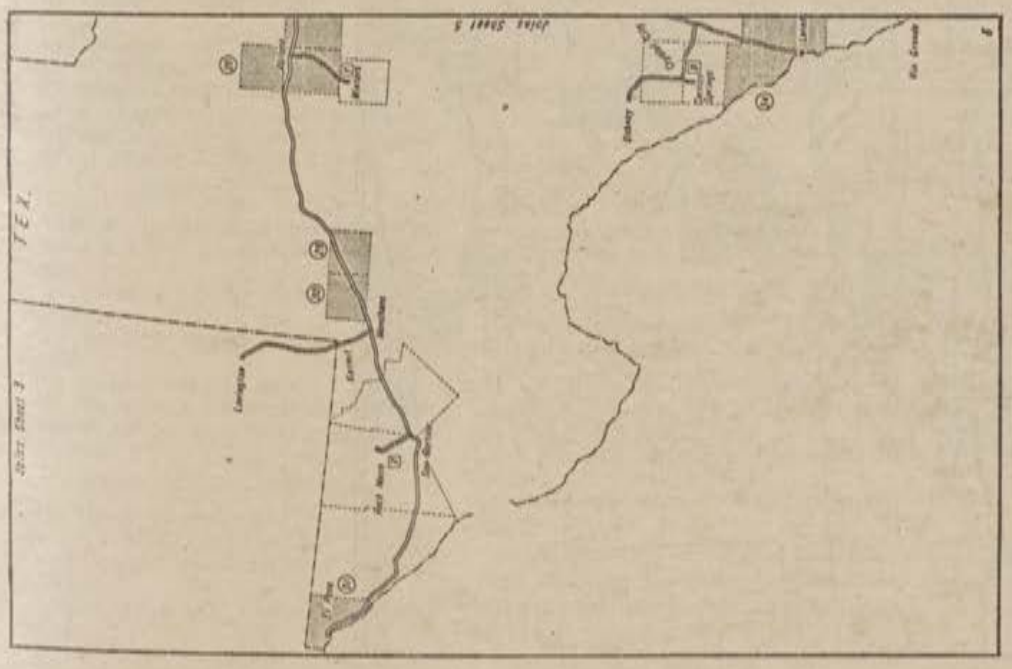
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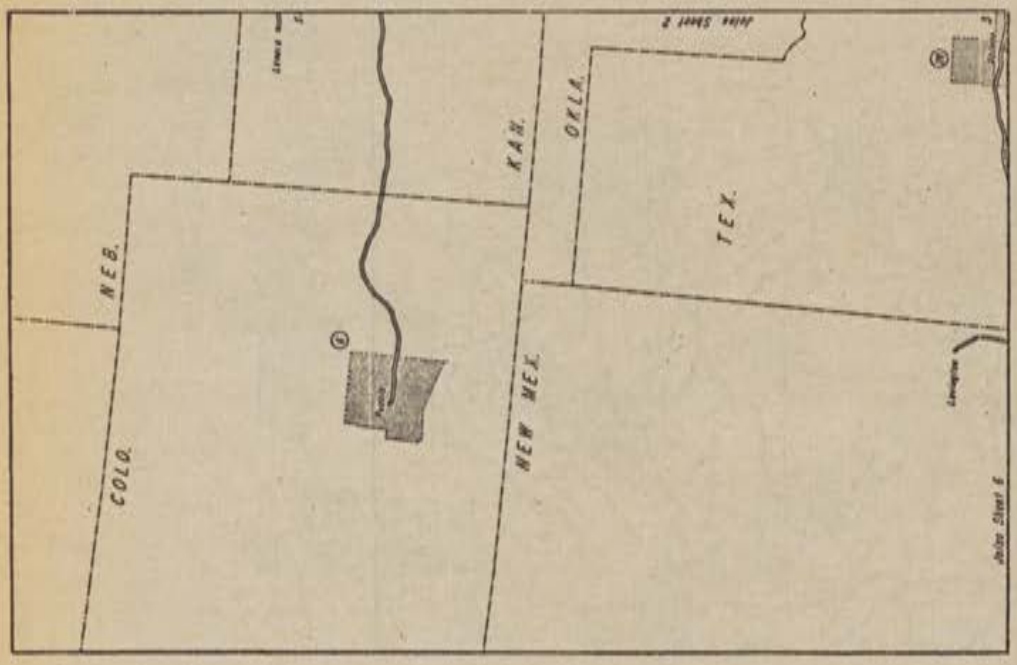
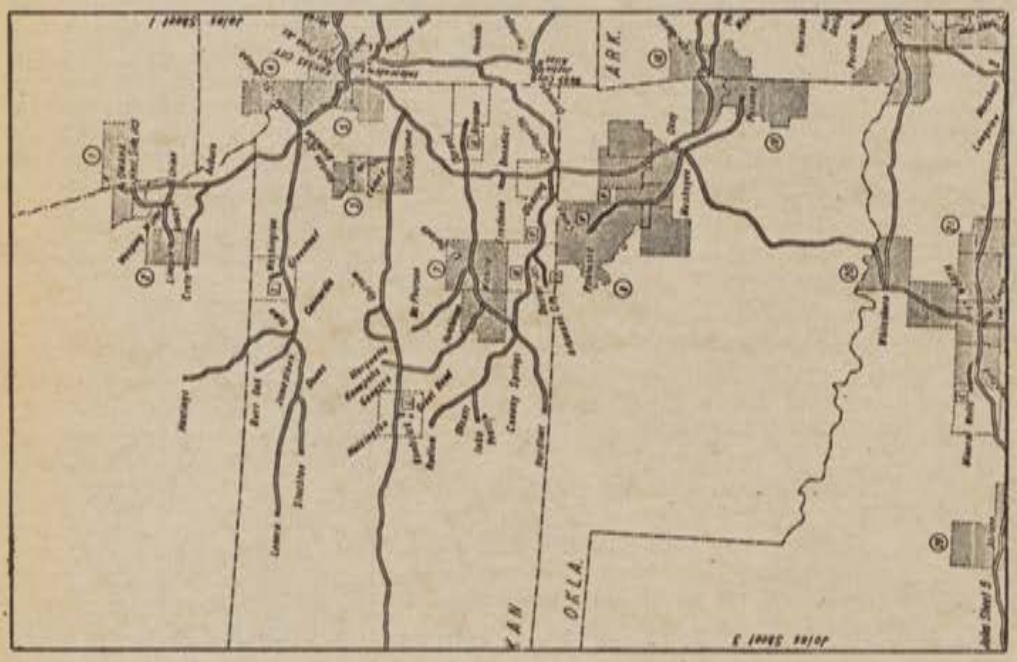

COLO.
NEB.
KAN.
OKLA.
NEW MEX.
TEX.


ARK.
OKLA.

MISSOURI PACIFIC SYSTEM LINES

DESCRIPTION OF LINES TO ACCOMPANY THE SYSTEM DIAGRAM MAP

CATEGORY (1)

Lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years.

Map code [J]—*Illinois*

(a) Mt. Vernon to proposed connection with J&SW (3.6 mile segment of Pinckneyville Subdivision).
(b) Located wholly within State of Illinois.
(c) Located wholly within Jefferson County.
(d) Milepost 121.6 to 125.2.
(e) No agency stations located on segment.
(f) Comments: Abandonment contingent on utilizing Jefferson Southwestern Railroad between Milepost 121.44 and Mt. Vernon, Illinois.

Map code [K]—*Missouri*

(a) Cape Girardeau to Frisco connection (3.4 mile segment of Cape Girardeau Subdivision).
(b) Located wholly within State of Missouri.
(c) Located wholly within Cape Girardeau County.
(d) Milepost 128.6 to 132.0.
(e) Agency station at Cape Girardeau (Milepost 130.2) not included in abandonment.
(f) Comments: This 3.40 mile segment comprises industry trackage within city limits of Cape Girardeau.

Map code [O]—*Arkansas*

(a) Tenark to Hughes (20 mile segment of Hughes Subdivision).
(b) Located wholly within State of Arkansas.
(c) Located in Crittenden and St. Francis Counties.
(d) Milepost 334.0 to 354.0.
(e) No agency stations located on segment. Segment served by mobile agent based at Wynne (Milepost 332.4).

Map code [P]

(a) Marvell Junction to Marvell (9.8 remaining miles of Marvell Industrial Lead).
(b) Located wholly within State of Arkansas.
(c) Located wholly within Phillips County.
(d) Milepost 329.2 to 339.0.
(e) No agency stations on segment. Segment served by mobile agent based at Helena.

Map code [Q]—*Louisiana*

(a) Myrtle Grove to Empire (32.2 mile segment of NOLC Subdivision).
(b) Located wholly within State of Louisiana.
(c) Located wholly within Plaquemine Parish.
(d) Milepost 24.0 to 56.2.
(e) No agency stations on segment. Station work handled by agency station at New Orleans.

Map code [VV]—*Kansas*

(a) Dexter Junction to Arkansas City (24.4 mile segment of Arkansas City Subdivision).
(b) Located wholly within State of Kansas.
(c) Located wholly within Cowley County.
(d) Milepost 497.2 to 521.6.
(e) Agency station at Arkansas City (Milepost 522.9) not included in abandonment. No other agency stations on segment.
(f) Comments: Abandonment contingent on acquiring foreign trackage rights between Winfield and Arkansas City.

Map code [M]

(a) Winfield to Dexter (15.4 mile segment of Conway Springs Subdivision).
(b) Located wholly within State of Kansas.
(c) Located wholly within Cowley County.
(d) Milepost 498.1 to 513.5.
(e) Agency station at Winfield (Milepost 517.2) not included in abandonment. No other agency stations on segment.
(f) Comments: Abandonment contingent on acquiring fgn. trackage rights between Winfield and Arkansas City.

[*Map code* L]

(a) Hoisington to Kanbrick (2.6 mile Kanbrick Industrial Lead).
(b) Located wholly within State of Kansas.
(c) Located wholly within Barton County.
(d) Milepost 558.8 to 561.4.
(e) No agency stations on segment. Station work handled by agency station at Hoisington (Milepost 558.8).

Map code [N]—*Oklahoma*

(a) Skiatook to Barnsdall (21.2 mile segment of Midland Valley Subdivision).
(b) Located wholly within State of Oklahoma.
(c) Located in Tulsa and Osage Counties.
(d) Milepost 166.8 to 188.0.
(e) Agency station at Barnsdall (Milepost 187.2) dualized with agency station at Pawhuska (Milepost 200.6) which is located on segment under Category (3).

CATEGORY (2)

Lines or portions of lines potentially subject to abandonment.

Map code [G]—*Texas*

(a) San Benito to Rio Hondo (9.0 mile Rio Hondo Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located wholly within Cameron County.
(d) Milepost 0.0 to 9.0 (Rio Hondo).
(e) No agency stations on segment. Segment served by mobile agent based at Harlingen (Milepost 25.6).

Map code [E]

(a) Mission to Rio Grande City (31.3 mile Rio Grande City Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located in Hidalgo and Starr Counties.
(d) Milepost 42 to 73.3.
(e) No agency stations on segment. Segment served by mobile agent based at Harlingen (Milepost 25.6)

Map code [F]

(a) Mission to Hidalgo (9.5 mile Hidalgo-Mission Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located in Hidalgo County.
(d) Milepost 0.0 to Milepost 9.5 (Hidalgo).
(e) No agency stations on segment. Segment served by mobile agent based at Harlingen (Milepost 25.6).

Map code [D]

(a) Crystal City to Carrizo Springs (11.6 mile Carrizo Springs Industrial Lead).
(b) Located wholly within State of Texas.
(c) Located in Zavala and Dimmit Counties.
(d) Milepost 144.7 to 156.3 (Carrizo Springs).
(e) No agency stations on segment. Segment served by mobile agent based at Crystal City (Milepost 145.8).

Map code [C]

(a) Weatherford, Mineral Wells & Northwestern, Weatherford to Mineral Wells (22.0 mile W.M.W. & N.W. Subdivision).
(b) Located wholly within State of Texas.
(c) Located in Parker and Palo Pinto Counties.
(d) Milepost 0.0 (TP 277.3) to 22.0.
(e) Agency station at Mineral Wells (Milepost 22.0).

Map code [A]—*Louisiana*

(a) Hosston to Good Roads (24.3 mile Hosston Subdivision).
(b) Located wholly within State of Louisiana.
(b) Located wholly within Caddo Parish.
(d) Milepost 34.1 to 9.8.
(e) No agency stations on segment. Station work handled by agency station at Shreveport.

Map code [B]

(a) Collinston to Clayton Junction (75.7 mile segment of Collinston Subdivision).
(b) Located wholly within State of Louisiana.
(c) Located in Morehouse, Richland, Franklin, Catahoula and Concordia Parishes.
(d) Mile post 561.5 to 637.2.
(e) No agency stations on segment. Served by mobile agent based at Monroe (Milepost 502.4).

Map code [H]

(a) Oaklawn to Franklin (6.3 mile Oaklawn, Franklin Industrial Lead).
(b) Located wholly within State of Louisiana.

(c) Located wholly within St. Mary Parish.

(d) Milepost 73.5 to Milepost 79.8.

(e) No agency stations on segment. Served by mobile agent based at New Iberia (Milepost 46.4).

(f) Comments: Segment presently served by trackage rights between New Iberia and SP Milepost 101.8.

Map code [I]

(a) Wanda Petroleum to Thibodaux (21.9 mile segment of Thibodaux Subdivision).

(b) Located wholly within State of Louisiana.

(c) Located in Assumption and Lafourche Parishes.

(d) Milepost 8.3 to 30.2.

(e) No agency stations on segment. Served by mobile agent based at Donaldsonville (Milepost 64.7).

CATEGORY (3)

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

Map code [R]—*Illinois*

(a) Joppa Junction to Fayville (25.7 mile segment of Thebes Subdivision).

(b) Located wholly within State of Illinois.

(c) Located in Johnson, Pulaski and Alexander Counties.

(d) Milepost 347.6 to 373.3.

(e) Agency station at Tamms (Milepost 362.8) dualized with Joppa (Milepost 363.3). Joppa beyond limits of abandonment.

Map code [S]

(a) Goodwine to Alonzo (2.9 mile Alonzo Industrial Lead).

(b) Located wholly within State of Illinois.

(c) Located wholly within Iroquois County.

(d) Milepost 89.4 to 92.3.

(e) No agency stations on segment. Served by mobile agent based at Villa Grove.

Map code [T]—*Kansas*

(a) Greenleaf to Washington (6.9 mile Washington Industrial Lead).

(b) Located wholly within State of Kansas.

(c) Located wholly within Washington County.

(d) Milepost 443.6 to 450.5.

(e) No agency stations on this segment. Served by mobile agent based at Concordia (Milepost 485.4).

Map code [V]

(a) Dearing to Dexter (66.2 mile segment of Conway Springs Subdivision).

(b) Located wholly within State of Kansas.

(c) Located in Montgomery, Chatauqua and Cowley Counties.

(d) Milepost 431.0 to 497.2.

(e) Agency station at Dexter (Milepost 497.1) dualized with Cedarvale (Milepost 480.9). Agency station at Sedan (Milepost 458.9) dualized with Caney (Milepost 442.1).

Map code [U]

(a) Iola to Bronson (17.2 mile segment of Wichita Subdivision).

(b) Located wholly within State of Kansas.

(c) Located in Allen and Bourbon Counties.

(d) Milepost 348.9 to 366.1.

(e) Agency station at LaHarpe (Milepost 361.6) dualized with Iola (Milepost 367.4).

Map code [ZZ]—*Louisiana*

(a) Lake Charles Industrial Track (1.0 mile segment of Lake Charles Subdivision).

(b) Located wholly within State of Louisiana.

(c) Located wholly within Calcasieu Parish.

(d) No milepost reference.

(e) No agency stations on segment. Station work handled by Lake Charles (Milepost 694.2).

Map code [Z]

(a) Mansura Junction to Marksville (5.2 mile Marksville Industrial Lead).

(b) Located wholly within State of Louisiana.

(c) Located wholly within Avoyelles Parish.

(d) Milepost 79.5 to 84.7.

(e) No agency stations on this segment. Served by mobile agent based at Bunkie (Milepost 94.7).

Map code [YY]

(a) New Iberia to Garden City (11.2 mile segment of New Iberia Subdivision).

(b) Located wholly within State of Louisiana.

(c) Located in New Iberia and St. Mary Parishes.

(d) Milepost 52.91 to 63.86 and Milepost 82.84 to 83.04.

(e) No agency stations on this segment. Served by mobile agent based at New Iberia (Milepost 46.4).

(f) Comments: Oaklawn, Franklin Industrial Lead will be served by SP trackage rights.

Map code [W]—*Oklahoma*

(a) Barnsdall to Pawhuska (13.4 mile segment of Midland Valley Subdivision).

(b) Located wholly within State of Oklahoma.

(c) Located wholly within Osage County.

(d) Milepost 188.0 to 201.4.

(e) Agency station Pawhuska (Milepost 200.6) dualized with Barnsdall (Milepost 187.2).

Map code [XX]—*Texas*

(a) Raymondville to Monte Alto (21.5 mile Monte Alto Industrial Lead).

(b) Located wholly within State of Texas.

(c) Located in Willacy and Hidalgo Counties.

(d) No milepost reference.

(e) No agency stations on this segment. Served by agency at Raymondville (Milepost 46.4).

Map code [WW]

(a) McAllen to Edinburg (1.9 mile industrial trackage at Edinburg and 10.18 mile SP trackage right).

(b) Located wholly within State of Texas.

(c) Located wholly within Hidalgo County.

(d) No milepost references.

(e) No agency stations on this segment. Served by mobile agent based at Harlingen (Milepost 25.6).

(f) Comments: Edinburg presently served via 10.18 miles of SP trackage rights. This trackage rights agreement will also be cancelled.

Map code [Y]

(a) Abilene to Winters (38.2 mile A&S Subdivision).

(b) Located wholly in State of Texas.

(c) Located in Taylor and Runnels Counties.

(d) Milepost 0.0 to 38.2.

(e) No agency stations on segment. Served by agency at Abilene (Milepost 406.60).

(f) Comments: Milepost 0.0 to 7.31 will be retained as industrial lead.

Map code [X]

(a) San Martine to Rockhouse (27.2 mile Rockhouse Industrial Lead).

(b) Located wholly in State of Texas.

(c) Located in Culberson and Reeves Counties.

(d) Milepost 686.3 to 713.5.

(e) No agency stations on segment. Served by agency at Toyah (Milepost 666.1).

[FR Doc.77-9667 Filed 3-31-77; 8:45 am]

federal register

FRIDAY, APRIL 1, 1977

PART IX

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

•

General Wage Determination Decisions; Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL77–1027	Mar. 18, 1977.
Alaska:	
AK77–5009	Jan. 21, 1977.
Arizona:	
AZ76–5109; AZ76–5110	Nov. 26, 1976.
Florida:	
FL77–1015; FL77–1021	Feb. 18, 1977.
FL77–1023; FL77–1024	Feb. 25, 1977.
FL77–1029	Mar. 18, 1977.
Georgia:	
AR–4038	Sept. 27, 1974.
GA77–1005	Jan. 28, 1977.
Illinois:	
IL76–2078	Aug. 13, 1976.
IL76 – 2120; IL76 – 2121; IL76–2122.	Oct. 1 1976.
Illinois—Continued	
IL76–2128; IL76–2133	Oct. 29, 1976.
IL77–2030	Mar. 4, 1977.
Iowa:	
IA76–4149	Sept. 10, 1976.
Kansas:	
KS77–4020	Feb. 4, 1977.
KS77–4023; KS77–4024	Feb. 18, 1977.
Kentucky:	
AQ–4122	June 7, 1974.
KY76–1078	July 23, 1976.
KY76–1132	Nov. 12, 1976.
KY77–1010	Feb. 11, 1977.
Louisiana:	
LA77–4052	Mar. 4, 1977.
Maryland:	
MD77–3017; MD77–3018	Jan. 14, 1977.
Michigan:	
MI76–2135	Oct. 29, 1976.
MI76–2139	Nov. 19, 1976.
Minnesota:	
MN76–2064	May 21, 1976.
MN77–2038	Mar. 18, 1977.
Montana:	
MT76–5100	Oct. 29, 1976.
MT77–5021	Mar. 4, 1977.
MT77–5034	Mar. 11, 1977.
North Dakota:	
ND77–5020	Feb. 18, 1977.
Ohio:	
OH76–2029	Feb. 27, 1976.
OH76–2110	Sept. 17 1976.
Oklahoma:	
OK77–4065	Mar. 18, 1977.
Oregon:	
OR77–5033	Mar. 11, 1977.
Texas:	
TX76–4192	Dec. 17, 1976.
TX76–4195	Dec. 28, 1976.
TX77–4044; TX77–4045	Feb. 25, 1977.
TX77–4054	Mar. 4, 1977.
Utah:	
UT77–5006	Jan. 28, 1977.
West Virginia:	
WV77–3024; WV77–3027	Feb. 18, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL76–1082 (AL77–1042)	July 30, 1976.
AL77–1006 (AL77–1040)	Jan. 28, 1977.
Arkansas:	
AR76–4111 (AR77–4072)	July 2, 1976.
Delaware:	
DE76–3212 (DE77–3042)	July 30, 1976.
Florida:	
FL75–1033 (FL77–1034)	Mar. 28, 1975.
FL76–1029 (FL77–1044)	Feb. 27, 1976.
FL76–1040 (FL77–1043)	Mar. 19, 1976.
New York:	
NY76–3263 (NY77–3001); NY76–3268 (NY77–3007).	Oct. 29, 1976.
Oklahoma:	
OK76–4073 (OK77–4073)	Apr. 16, 1976.
Tennessee:	
TN76–1130 (TN77–1038)	Nov. 19, 1976.
TN77–1001 (TN77–1041)	Jan. 7, 1977.
TN77–1016 (TN77–1037)	Mar. 11 1977.
Texas:	
TX76–4169 (TX77–4070)	Oct. 8, 1976.
TX76–4194 (TX77–4071)	Dec. 28, 1976.
Washington:	
WA77–5003 (WA77–5032)	Feb. 11, 1977.

Signed at Washington, D.C., this 25th day of March 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1027 - Mod. # 1 (42 FR-15260 - March 18, 1977) Colbert and Lauderdale Counties, Alabama.					
Change:					
Carpenters:					
Carpenters, soft floor layers	8.90		.25		.10
Piledrivermen	9.05		.25		.10
Millwrights	9.15		.25		.10
Laborers:					
Common	5.50	.20	.40		
Air tool operator (jackhammer, vibrator)	5.70	.25	.40		
Plasterers' tenders	5.50	.25	.40		
Mason tenders	5.50	.25	.40		
Mortar mixers	5.50	.25	.40		
Pipelayers	5.70	.25	.40		
Power Equipment Operators:					
GROUP A	9.38	.35	.35		
GROUP B	8.04	.35	.35		
GROUP C	7.34	.35	.35		
DECISION #AK77-5009 - Mod. #3 (42 FR 4074 - January 21, 1977) Statewide, Alaska					
Change:					
Boilermakers	$17.035	.775	1.00	.50	.02
Carpenters:					
Area I					
Carpenters	16.28	.65	1.50		.10
Power actuated tool operator	16.50	.65	1.50		.10
DeWalt or similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work applicators; Nailing Machine Operator; Saw Filer	16.56	.65	1.50		.10
Millwrights	16.67	.65	1.50		.10
Areas II and III					
Carpenters	15.66	.65	1.50		.15
Acoustical and Marlite Applicators; Floor Workers; Radial air saw operators; Fire and Flood Workers	16.04	.65	1.50		.15
Millwrights	16.19	.65	1.50		.15
Plumbers and Steamfitters:					
Area III	15.60	1.00	1.70		.10

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AZ76-5109 - Mod. #4 (40 FR 52189-November 26, 1976) Statewide, Arizona					
Change:					
Cement Masons:					
(Apache, Coconino, Gila, Mohave, Navajo, Yavapai, Yuma and the Northern portions of Graham, Greenlee, Maricopa and Pinal Counties)					
Central & Southern Areas					
Cement Masons	$9.51	.95	$1.00		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	9.67	.95	1.00		.05
Northern Area					
Cement Masons	11.385	.95	1.00		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	11.545	.95	1.00		.05
Painters: (Flagstaff Area)					
Zone A:					
Brush; Soft Floor Layers	9.73	.70	.60	.50	.20
Brush, steel and bridge	10.23	.70	.60	.50	.20
Spray	10.18	.70	.60	.50	.20
Spray, steel and bridge	10.73	.70	.60	.50	.20
Zone B:					
Brush; Soft Floor Layers	10.48	.70	.60	.50	.20
Brush, steel and bridge	10.98	.70	.60	.50	.20
Spray	10.93	.70	.60	.50	.20
Spray, steel and bridge	11.48	.70	.60	.50	.20
Zone C:					
Brush; Soft Floor Layers	11.48	.70	.60	.50	.20
Brush, steel and bridge	11.98	.70	.60	.50	.20
Spray	11.93	.70	.60	.50	.20
Spray, Steel and bridge	12.48	.70	.60	.50	.20

MODIFICATIONS P. 3

DECISION NO. AZ76-5109 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone D:					
Brush; Soft Floor Layers	$11.73	.70	.60	.50	.20
Brush, steel and bridge	12.23	.70	.60	.50	.20
Spray	12.18	.70	.60	.50	.20
Spray, steel bridge	12.73	.70	.60	.50	.20
DECISION NO. AZ76-5110 - Mod. #4 (40 FR 52198-November 26, 1976) Maricopa County, Arizona					
Change:					
Cement Masons:					
Northern portion	$ 9.51	.95	$1.00		.05

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # FL77-1015 - Mod. # 1 (42 FR-10224 - February 18, 1977) Broward County, Florida					
Change:					
Carpenters & Soft floor layers	8.95	.78	.45		.06
Decision # FL77-1021 - Mod. # 2 (42 FR-10227 - February 18, 1977) Duval County, Florida					
Change:					
Asbestos workers	10.51	.45	.55		.04
Decision # FL77-1023 - Mod. # 3 (42 FR-11191 - February 25, 1977) Brevard and Volusia (Cape Kenndey, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site) Florida					
Change:					
Laborers:					
Laborers	5.70	.45	.30		
Hod carriers, kettlemen (excl. roofing & water proofing); mortar mixers; pipelayers; plasterers tenders; well point dewatering; air tool operator powderman; paving curb & gutter, & sidewalk form setters; concrete workers	5.85	.45	.30		
Nozzlemen	6.52	.45	.30		

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. FL77-1024 - Mod. # 1 (42 FR-11193 - February 25, 1977) Orange County, Florida					
Change:					
Painters:					
Brush	7.45	.40	.40		.06
Spray	7.95	.40	.40		.06
Paperhangers	7.95	.40	.40		.06
Sandblasters	7.95	.40	.40		.06
Decision # FL77-1029 - Mod. # 1 (42 FR-15264 - March 18, 1977) Dade County Florida					
Change:					
Bricklayers & Stonemasons	9.80	.60	.54		.04
Cement masons	9.80	.60	.54		.04
Marble masons	9.80	.60	.54		.04
Plasterers	9.80	.60	.54		.04
Terrazzo workers & Tile setters	9.80	.60	.54		.04
Carpenters & Soft floor layers	8.95	.70	.55		.02
POWER EQUIPMENT OPERATORS:					
Group A	9.75	.50	.45		.05
Group B	9.06	.50	.45		.05
Group C	8.26	.50	.45		.05
Group D	7.66	.50	.45		.05
Group E	6.66	.50	.45		.05

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AB-4038 - Mod. #5 (39 FR-34984 - September 27, 1974) Statewide, Georgia					
Change:					
Electricians:					
Zone III	10.10	9%	1%+8%		½ of 1%
DECISION #GA77-1005 - Mod. #3 (42 FR-5621 - January 28, 1977) Clayton, DeKalb, and Fulton Counties, Georgia					
Change:					
Bricklayers:					
Bricklayers & Stonemasons	9.20	.55	.40		.05
Marble masons, terrazzo workers, and ceramic tile setters	9.05	.55	.40		
Glaziers	9.15	.60	.38		.105
Marble and tile workers' helpers	6.05				
Terrazzo workers' helpers:					
Helpers	6.05				
Terrazzo floor machine operators	6.15				
Terrazzo base machine operators	6.25				

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2078 - Mod. #2 (41 FR 34493 - August 13, 1976) Madison & St. Clair Counties, Illinois					
CHANGE:					
Painters:					
Residential & Commercial	$10.85	.45	.15		
Industrial	11.10	.45	.15		
Bridges, Grain Elevators, Water, Radio & TV Towers - Stacks	11.35	.45	.15		
DECISION #IL76-2120 - Mod. #3 (41 FR 43570 - October 1, 1976) Adams, Brown & Pike Counties, Illinois					
CHANGE:					
Painters:					
Adams & Brown Counties					
Brush	8.00				
ADD:					
Painters:					
Adams & Brown Counties					
Sand & Water Blasting; Spray & Steam Cleaning	9.00				
DECISION #IL76-2121 - Mod. #3 (41 FR 43573 - October 1, 1976) Champaign & Vermilion Counties, Illinois					
CHANGE:					
Carpenters - Vermilion County					
Remainder of County					
Carpenters & Soft Floor Layers	10.27	.70	.55		.02
Millwrights & Piledrivermen	10.77	.70	.55		.02

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2122 - Mod. #3 (41 FR 43576 - October 1, 1976) Cook County, Illinois					
CHANGE:					
Painters:					
Brush, Decorators, Paperhangers & Tapers	$9.65	.575	.45		.013
DECISION #IL76-2128 - Mod. #3 (41 FR 46823 - October 22, 1976) Christian, DeWitt, Macon, Macoupin, Moultrie, Piatt & Shelby Counties, Illinois					
CHANGE:					
Carpenters:					
Macon Co; Moultrie Co: (Bethany, Okaw River, Lovington, Williamsbury, Lake City & all areas north) Piatt Co: (Cisco, Bement, Allerton Park & all areas south thereof)					
Carpenters & Soft Floor Layers	10.575	.40	.55		.02
Millwrights & Piledrivermen	11.075	.40	.55		.02

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2132 - Mod. #4 (41 FR 47729 - October 29, 1976) Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson Counties, Illinois					
CHANGE:					
Cement Masons & Plasterers:					
Franklin, Hamilton, Jefferson & Williamson Counties	$9.95				
Alexander, Jackson, Perry, Pulaski & Union Counties	9.65	.30			
DECISION #IL76-2133 - Mod. #3 (41 FR 46831 - October 22, 1976) Boone, Carroll, DeKalb, Jo-Daviess, Lee, Ogle, Stephenson, Whiteside & Winnebago Counties, Illinois					
CHANGE:					
Laborers:					
Remainder of Counties					
Class I	8.51	.40	.54		.035
Class II	8.71	.40	.54		.035
Class III	8.81	.40	.54		.035

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL77-2030 - Mod. #1 (42 FR 12584 - March 4, 1977) Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Jasper, Lawrence, Richland, Wabash & Wayne Counties, Illinois					
CHANGE:					
Carpenters:					
Coles, Clark, Cumberland, Edgar, Effingham Cos; Western ½ of Jasper Co; & Southern part of Douglas County:					
Carpenters & Soft Floor Layers	$10.725	.45	.30		.07
Millwrights & Piledrivermen	11.225	.45	.30		.07
DECISION #MI76-2136 - Mod. #4 (41 FR 47771 - October 29, 1976) Alger, Baraga, Chippewa, Dickinson, Gogebic, Houghton, Keweenaw, Mackinac, Marquette & Ontongon Counties, Michigan					
CHANGE:					
Painters:					
Baraga, Houghton, Keweenaw & the northern portion of Ontongon County					
Brush, Paperhangers, Tapers & Glaziers	8.00				
Spray & Sandblasting	8.50				

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA76-4149 - Mod. #3 (41 FR 38722 - Sept. 10, 1976) Linn County, Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Cement Masons	$9.365	.38			

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS77-4020 - Mod. #4 (42 FR 7057 - February 4, 1977) Sedgwick County, Kansas					
Change: Elevator constructors	$10.23	.445	.29	3%+a+b	.02
DECISION #KS77-4023 - Mod. #1 (42 FR 10233 - February 18, 1977) Sedgwick County, Kansas					
Change: Description of Work to Read: Highway Construction(does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction) and Water and Sewer Line Construction					

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS77-4024 - Mod. #1 (42 FR 10234 - February 18, 1977) Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Grove, Graham, Grant, Gray, Greely, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlings, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace and Wichita, Counties, Kansas					
Change:					
Description of Work to Read: Highway(does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction) and Water and Sewer Line Construction					

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AQ-4122 - Mod. #4 (39 FR-20281 - June 7, 1974) Daviess County, Kentucky					
Change:					
Carpenters	9.92	.45	.80		
Millwrights	10.34	.45	.70		
Plumbers & Steamfitters	11.68	.50	.80		.10
DECISION #KY76-1078 - Mod. #5 (41 FR-30527 - July 23, 1976) Henderson County, Kentucky					
Change:					
Asbestos worker	11.50	.45	.40		.03
Carpenter	9.92	.45	.80		
Cement mason	9.80	.65	.55		
Millwright	10.34	.45	.70		
Plumbers & Pipefitters	11.68	.50	.80		.10
Truck drivers:					
Group 1	7.29	.35	14.00a		
Group 2	7.41	.35	14.00a		
Group 3	7.52	.35	14.00a		
Group 4	7.60	.35	14.00a		
Group 5	7.64	.35	14.00a		
Group 6	7.35	.35	14.00a		
Group 7	7.47	.35	14.00a		
Group 8	7.11	.35	14.00a		
Group 9	7.19	.35	14.00a		
Footnote:					
a. Per week per employee					

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY77-1010 - Mod. #2 (42 FR-8940 - February 11, 1977) Fayette County, Kentucky					
Change:					
Painters:					
Brush & roller	9.25				
Paperhangers	9.25				
Spray & sandblasting	10.00				
DECISION #KY76-1132 - Mod. #4 (41 FR-52260 - November 12, 1976) Franklin County, Kentucky					
Change:					
Painters:					
Brush	9.60				
Spray	10.35				
DECISION #LA77-4052 - Mod. #3 (42 FR 12593 - March 4, 1977) Statewide Louisiana					
Change:					
Asbestos workers:					
Zone 4	$ 9.13	.45	.50		
Painters:					
Zone 3:					
Group 1	8.575	.275	.30		.05
Group 2	8.95	.275	.30		.05
Group 3	9.825	.275	.30		.05

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3017 - Mod. #5 (42 FR 3142 - January 14, 1977) Counties of Anne Arundel (excluding the D. C. Training School), Baltimore, Baltimore City, Harford, and Howard, Maryland					
Change:					
Asbestos workers	$ 9.70	.70	.85		.02
Laborers, Heavy Construction:					
Laborers	6.10	.40	.50		.075
Power tool operators	6.20	.40	.50		.075
Pipelayers, wagon drill operators, air track drillers, burners (demolition work)	6.60	.40	.50		.075
Lathers	10.09		.35	h	.01
Painters:					
Basic rate	10.00	.85	.60		.06
Spackling, taping & wall covering	10.15	.85	.60		.06
Spray painting (except steel)	10.25	.85	.60		.06
Steel painters; any painting using swinging stages & boatswain chair; sand & waterblasting; steam cleaning; all epoxies; spray (steel only)	10.50	.85	.60		.06
Plasterers	9.45	.60	.40	h	
Sprinkler fitters:					
Baltimore City including a 10-mile radius beyond the city limits	10.80	.60	.90		.10
Harford & Howard Counties and the remainder of Anne Arundel & Baltimore Counties	11.06	.60	.90		.08
DECISION #MD77-3018 - Mod. #2 (42 FR 3145 - January 14, 1977) Baltimore City, Maryland					
Change:					
Laborers	6.10	.40	.50		.075

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI76-2135 - Mod. #3 (41 FR 47766 - October 29, 1976) Alcona, Alpena, Charlevoix, Emmett, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan					
CHANGE:					
Bricklayers:					
Muskegon & Oceana Counties					
Bricklayers & Stonemasons	$9.195	.55	.75		
DECISION #MI76-2139 - Mod. #8 (41 FR 51313 - November 19, 1976) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan					
CHANGE:					
Brickalyers & Stonemasons:					
Washtenaw County	$12.87		.80		
Cement Masons:					
Washtenaw County	12.67		.80		
Plasterers:					
Washtenaw County	12.87		.80		
Marble Masons:					
Washtenaw County	12.87		.80		
Tile & Terrazzo Workers:					
Washtenaw County	12.87		.80		

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MN76-2064 - Mod. #3 (41 FR 21025 - May 21, 1976) Blue Earth, Fairbault, Freeborn & Mower Counties, Minnesota					
CHANGE:					
Roofers:					
Remainder of Counties	$9.00	.55			
OMIT:					
Description of Work:					
Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)					
ADD:					
Description of Work:					
Building (Including Residential), Construction					
DECISION #MN77-2038 - Mod. #1 (42 FR 15245 - March 18, 1977) Crow Wing County, Minnesota					
CHANGE:					
Description of Work:					
Heavy & Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels, rest areas which include building structures, and railroad construction).					

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MT76-5100 - Mod. #5 (41 FR 47798 - October 29, 1976) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana					
Change:					
Roofers:					
Gallatin	$8.40	.47			
DECISION #MT77-5021 - Mod. #2 (42 FR 12631 - March 4, 1977) Statewide, Montana					
Change:					
Roofers:					
Broadwater, Gallatin, Meagher, Park, Sweetgrass and Wheatland Counties	$8.40	.47			
DECISION #MT77-5034 - Mod. #2 (42 FR 13765 - March 11, 1977) Statewide, Montana					
Add:					
POWER EQUIPMENT OPERATORS:					
Cranes with jibs an additional $.15 per hour					
Yo-Yo Cat, both ends	$9.56	.50	.50	.25	.05
DECISION #ND77-5020 - Mod. #4 (42 FR 10255 - February 18, 1977) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
Add:					
Roofers:					
Ward County	$6.75				

MODIFICATIONS P. 20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OH76-2029 - Mod. #1 (41 FR 8739 - February 27, 1976) Clermont & Hamilton Counties, Ohio					
Change:					
Soft floor layers	$8.10	.60	.65		.05
DECISION #OH76-2110 - Mod. #1 (41 FR 40402 - September 17, 1976) Hamilton & Clermont Counties, Ohio					
Change:					
Asbestos workers	11.46	.75	.85		.02
Boilermakers	9.40	.75	1.00	1.40	.02
Bricklayers; Stonemasons	11.245	.55	.35		.02
Cement masons	10.88	.55	.70		.15
Marble setters' helpers	9.635			1.50	
Pipefitters	11.35	.875	1.15		.08
Plumbers; Gas fitters	11.47	.75	1.05		.05
Sheet metal workers	11.205	.88	.81		.04
Resilient floor layers	8.70	.60	.65		.05
Terrazzo workers	10.535	.55	.35		
Terrazzo helpers; Grinders	9.585				
Tile setters	10.535	.55	.35		
DECISION NO. OK77-4065 - Mod. #1 (42 FR 15287 - March 18, 1977) McIntosh County, Oklahoma					
CHANGE:					
ELECTRICIANS(ZONE I)					
Electricians	$ 9.73	.60	1%		1/2%
Cable splicers	10.03	.60	1%		1/2%
ELECTRICIANS (ZONE II)					
Electricians	10.13	.60	1%		1/2%
Cable splicers	10.43	.60	1%		1/2%

MODIFICATIONS P. 21

DECISION NO. OR77-5033 - Mod. #1 (March 11, 1977) Statewide, Oregon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$11.60	.75	$1.00	.50	.02
* Line Construction:					
All Counties except Malheur					
Cable Splicers, Leadman Pole Sprayer	12.78	.45	1%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	11.54	.45	1%	.10	1/2%
Tree Trimmer	10.42	.45	1%	.10	1/2%
Line Equipment Man	9.95	.45	1%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.69	.45	1%	.10	1/2%
Groundman, Tree Trimmer Helper	8.18	.45	1%	.10	1/2%
Roofers:					
Benton, Lincoln, Linn, Marion, Polk and Yamhill Counties	10.05	.45	.15		
Sheet Metal Workers:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Wheeler and Yamhill Counties	11.13	3%+.81	.93	1.00	.04
Soft Floor Layers:					
All Counties except Malheur	9.435	.50	.90	c	.08

*For Zone Description see Area Decision

MODIFICATIONS P. 22

DECISION #TX76-4192 - Mod. #3 (41 FR 55289 - December 17, 1976) Jefferson & Orange Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Carpenters:					
Commercial	$10.615		.30		.05
Cement masons	10.20				
Glaziers:					
Northern half of Jefferson Co.	9.975				
Southern half of Jefferson Co. & all of Orange Co.:					
Commercial	10.25				
Residential	11.10				
Ironworkers	9.85	.55	1.00		.10
Painters:					
Southern half of Jefferson Co. & all of Orange Co.:					
Group 1:					
Commercial	10.25				
Residential	10.10				
Group 2:					
Commercial	10.30				
Residential	10.15				
Group 3:					
Commercial	10.75				
Residential	10.62				
Group 4:					
Commercial	10.575				
Residential	10.36				
Group 5:					
Commercial	11.00				
Residential	10.36				
Group 6:					
Commercial	11.50				
Residential	10.89				

MODIFICATIONS P. 23

DECISION #TX76-4192 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters (Cont'd):					
Northern half of Jefferson Co.:					
Group 1:					
Commercial	$10.075				
Residential	9.825				
Group 2:					
Commercial	10.325				
Residential	10.075				
Group 3:					
Commercial	10.25				
Group 4:					
Commercial	10.50				
Residential	10.25				
DECISION #TX76-4195 - Mod. #6 (41 FR 56598 - December 28, 1976) Galveston & Harris Cos., Texas					
Change:					
Plumbers:					
Harris County	10.72	.55	.70		.12
DECISION #TX77-4044 - Mod. #1 (42 FR 11226 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
Change:					
Painters:					
Group 1	8.20		.40		
Group 2	8.32		.40		
Group 3	8.95		.40		
Group 4	8.45		.40		

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4045 - Mod. #2 (42 FR 11229 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Painters	$ 8.20		.40		
DECISION #TX77-4054 - Mod. #2 (42 FR 12671 - March 4, 1977) Brazos County, Texas					
Change:					
Plumbers	10.72	.55	.70		.12
DECISION #UT77-5006 - Mod. #2 (42 FR 5668 - January 28, 1977) Statewide Utah					
Change:					
Ironworkers:					
Fence erectors; Ornamental; Reinforcing; Structural	$10.10	.55	$1.00		.04
Lathers	9.37	.50	.50		.01
Power Equipment Operators: See attached schedule.					
Refrigeration and Air Conditioning:					
Under 50 tons	9.95	.51	1.00		.04
50 tons and over	10.10	.51	1.00		.04
Add:					
Brick Tenders	8.30	.35	.35		

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS* Building Construction	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 2	$ 7.59	$ 8.59	.75	$ 1.565	.75	.05
Group 3	7.94	8.94	.75	1.565	.75	.05
Group 4	8.12	9.12	.75	1.565	.75	.05
Group 4-A	8.23	9.23	.75	1.565	.75	.05
Group 5	8.23	9.23	.75	1.565	.75	.05
Group 6	8.69	9.69	.75	1.565	.75	.05
Group 7	8.84	9.84	.75	1.565	.75	.05
Group 7-A	8.95	9.95	.75	1.565	.75	.05
Group 8	9.25	10.25	.75	1.565	.75	.05
Group 8-A	9.31	10.31	.75	1.565	.75	.05
Group 9	9.37	10.37	.75	1.565	.75	.05
Group 10	9.53	10.53	.75	1.565	.75	.05
Group 11	9.97	10.97	.75	1.565	.75	.05
Group 11-A	10.93	11.93	.75	1.565	.75	.05
Group 11-B	11.38	12.38	.75	1.565	.75	.05
Group 12	11.54	12.54	.75	1.565	.75	.05

*POWER EQUIPMENT OPERATORS - AREA DEFINITIONS: See "Area Definition" - following Truck Drivers.

POWER EQUIPMENT OPERATORS
Building Construction

Group 2: Assistant to Engineer; Elevator Operator; Hydraulic Monitor; Material Loader or Conveyor Operator

Group 3: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Truck Crane Oiler

Group 4: Front End Loader (up to and including 1 cu. yd. struck M.R.C.); Hoist Operator - 1 drum; Slip Form Pumps

Group 4-A: Heavy Duty Repairman and Welder

Group 5: Air Compressor Operator (2 or more compressors); Signalman; Small Rubber-tired Tractor; Small self-propelled pneumatic rollers; Towermobile Operator; Welding machine (2 or more); Concrete Conveyor, building site

Group 6: A Frame Truck and Tugger Hoist; Fork Lift (construction jobsite); Kolman Loader and similar; Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. struck M.R.C.); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouse); Mixermobile Operator; Ross Carrier or similar type; Small rubber-tired tractor (with attachments, including backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Gradesetter

Group 7: Bridge Crane; Concrete Mixer Operator (paving or batch plant) Drilling Machine Operator (well or diamond); Dual Drum Mixers; Hoist Operator - 2 drums; Lull High-lift (40 ft. or similar); Roller operator or self-propelled compactors; Tractor operator (Sheep's foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, Truck or equipment mounted (boom length to apply); Self-propelled Compactor with or without dozer

Group 7-A: Tractor Operator (bulldozer or tractor-drawn scraper or drag-type Shovel or boom attachment, up to and including D-7 or similar)

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction (Cont'd)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Concrete Batch Plant (multiple units); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck M.R.C.); Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less M.R.C.)

Group 8-A: Heavy Duty Repairman or Welder; Tractor Operator (bulldozer or tractor-drawn scraper or drag-type shovel or boom attachment, larger than D-7 or similar)

Group 9: Motor Patrol

Group 10: Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck M.R.C.); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell, crane, grade-all, etc.)(up to and including 5 cu. yds. struck M.R.C.); Self-propelled Boom type Lifting Device (center mount); Tower Crane (Linden type or similar designs and capacity)

Group 11: Remote Controlled Cranes and Derricks; Tower Cranes Mobile

Group 11-A: Loader Operator (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C)

Group 11-B: Operator of Helicopter (when used in erection work)

Group 12: Cranes over 125 tons

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS:* Heavy and Highway Construction	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$ 7.76	$ 8.76	.75	$ 1.615	.85	.14
Group 2	8.04	9.04	.75	1.615	.85	.14
Group 3	8.39	9.39	.75	1.615	.85	.14
Group 4	8.57	9.57	.75	1.615	.85	.14
Group 4-A	8.68	9.68	.75	1.615	.85	.14
Group 5	8.68	9.68	.75	1.615	.85	.14
Group 6	9.14	10.14	.75	1.615	.85	.14
Group 7	9.29	10.29	.75	1.615	.85	.14
Group 7-A	9.40	10.40	.75	1.615	.85	.14
Group 8	9.70	10.70	.75	1.615	.85	.14
Group 8-A	9.76	10.76	.75	1.615	.85	.14
Group 9	9.82	10.82	.75	1.615	.85	.14
Group 10	9.98	10.98	.75	1.615	.85	.14
Group 11	10.42	11.41	.75	1.615	.85	.14
Group 11-A	11.38	12.38	.75	1.615	.85	.14
Group 11-B	11.83	12.83	.75	1.615	.85	.14
Group 12	11.99	12.99	.75	1.615	.85	.14

*POWER EQUIPMENT OPERATORS - AREA DEFINITIONS: See "Area Definition" - following Truck Drivers.

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS
Heavy and Highway Construction

Group 1: Repairman Helper

Group 2: Asphalt Plant Fireman; Assistant to Engineer; Brakeman - Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Repairman Helper - Field

Group 3: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinky Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Screedman; Self-propelled, automatically applied concrete curing machine (on street, highways, airports and canals); Truck Crane Oiler; Boxman, Asphalt Plant

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - multiple-purpose; Front End Loader (up to and including 1 cu. yd. struck MRC); Hoist Operator - 1 drum; Line Master; Slip Form Pumps

Group 4-A: Slurry Seal Machine or similar

Group 5: Air Compressor Operator (2 or more compressors); Batch Operator (asphalt plant); Motorman; Pavement Breaker Operator (Emsco and similar type); Shuttlecar; Signalman; Small rubber-tired tractor; Small self-propelled pneumatic rollers; Towermobile Operator; Welding Machine (2 or more); Lube and Service Engineer (mobile and grease rack); Concrete Conveyor (building site)

Group 6: A-Frame Truck and Tugger Hoist; Concrete Saws (self-propelled units on streets, highways, airports and canals); Engineer-locomotive; Fork Lift (construction jobsite); Kolman Loader (and similar); Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. struck MRC); Maginnis Internal Full Slab Vibrator (on airports, highways, canal and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator (setting slip forms, etc., in tunnels); Road Mixing Machine Operator; Ross Carrier or similar type; Small rubber-tired tractor (with attachments, including backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Surface Heater (self-propelled); Gradesetter

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

Group 7: Bridge Crane; Chip Box Spreader (Flaherty-type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineer (marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Lull High Lift (40 ft. or similar); Mechanical Finisher Operator (asphalt or concrete); Mine or Shaft Hoist; No-Joint Pipe Laying Machine; Pavement Breaker; Pavement Breaker with Compressor Combination; Pavement Breaker, truck mounted, compressor combination; Refrigeration Plant; Roller Operator or self-propelled Compactor; Self-propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Compressor Drill combination; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Mechanical Burm, Curb and/or Curb and Gutter Machine, Concrete or Asphalt; Self-propelled Compactor with or without dozer; Drilling and Boring Machinery, Horizontal and Vertical (not to apply to waterliners, wagon drills or jackhammers); Self-propelled Compactor (with multiple-propulsion power units)

Group 7-A: Side Boom Operator; Tractor Operator (Bulldozer or tractor-drawn scraper or drag-type shovel or boom attachment, up to and including D-7 or similar)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Do-mor Loader and Adams Elegrader; Euclid Loader and similar types; Koehring Skooper (or similar)(up to 5 cu. yds. struck MRC); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck MRC); Mechanical Trench Shield; Mucking Machine Operator; Rubber-tired Scrapers (under 35 cu. yds. struck MRC); Saurman-type Drag-line (under 5 cu. yds. struck MRC); Self-propelled Boom-type Lifting Device (center mount)(10 ton capacity or less MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P&H or equal); Subgrader (automatic subgrader - fine grader); Tri-batch Paver; Tunnel Mole (or similar); Asphalt Plant Engineer; Engineer, crushing plant; Combination Backhoe and Loader (3/4 yds. and over struck MRC)

Group 8-A: Heavy Duty Repairman or Welder; Tractor Operator (bull-dozer or tractor-drawn scraper or drag-type shovel or boom attachment, larger than D-7 or similar)

Group 9: Combination Mixer and Compressor (gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden-type or similar designs and capacity)

DECISION NO. UT77-5006 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

Group 10: D.W. 10, 20, etc. (Tandem Scrapers); Highline Cableway Operator; Lift Slab Machine (Vagtborg and similar types); Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck MRC); Locomotive (over 100 tons)(single or multiple units); Pre-stress Wire Wrapping Machine; Saurman-type Dragline (5 cu. yds. and over struck MRC); Tractor (tandem scrapers); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell, crane, gradeall, etc.)(up to and including 5 cu. yds. struck MRC); Self-propelled Boom-type lifting device (center mount) (over 10 tons)

Group 11: Automatic Concrete Slip Form Paver; Koehring Skooper (or similar)(5 cu. yds. and over struck MRC); Multiple Propulsion power unit earth movers (up to and including 75 cu. yds. struck MRC); Power Equipment with Shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. struck MRC); Remote-controlled Cranes and Derricks; Rubber-tired Scrapers (35 cu. yds. and over struck MRC); Slip Form Paver (concrete or asphalt); Tandem Tractors; Tower Cranes Mobile

Group 11-A: Loader Operator (over 12 cu. yds. struck MRC up to 18 cu. yds. MRC); Multi-purpose earth moving machines (2 or more scrapers)(over 75 cu. yds. struck MRC); Power Shovels and Draglines (over 7 cu. yds. struck MRC)

Group 11-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 12: Cranes (over 125 tons)

DECISION #WV77-3024 - Mod. #3
(42 FR 10272 - February 18, 1977)
Statewide, West Virginia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
AREA 2					
Brush-roller	$ 8.50				
Lining machine work, power cleaning tools	9.00				
Spray, sandblasting, mittens, structural steel, materials emitting toxic vapors	10.00				
Height Clause: An additional $ 1.00 per hour per 100' over the appropriate scale.					

DECISION #WV77-3027 - Mod. #3
(42 FR 10281 - February 18, 1977)
State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas & Preston

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors:					
Boone, Clay, Fayette, Kanawha, Logan, Mingo, Putnam, & Raleigh Counties:					
Mechanics	9.895	.495	.32	4%+b+c	.02
Helpers	6.93	.495	.32	4%+b+c	.02
Probationary helpers	4.95				
Painters:					
Area 8					
Brush & roller:					
Commercial repaint	6.75				
New commercial	7.25				
Paperhanging-wall covering under 48":					
Commercial repaint	6.75				
New commercial	7.25				

MODIFICATIONS P. 33

DECISION #WV77-3027 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters (Cont'd):					
Dry wall finishing:					
Commercial repaint	$ 6.75				
New commercial	7.25				
Drywall machine tool:					
Commercial repaint	7.00				
New commercial	7.50				
Lining machine work, power cleaning tools:					
Commercial repaint	7.25				
New commercial	7.75				
Wall covering 48" or over:					
Commercial repaint	7.25				
New commercial	8.25				
Spray, sandblasting, mittens, structural steel, material emitting toxic vapors:					
Commercial repaint	7.50				
New commercial	8.25				
Height Clause: An additional $ 1.00 per hour per 100' over the appropriate scale.					

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Madison
DECISION No.: AL77-1040 DATE: Date of Publication
Supersedes Decision No.: AL77-1006 dated January 28, 1977 in 42 FR-5618
DESCRIPTION OF WORK: Building construction (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.16	.45	.40		.05
Boilermakers	9.50	.75	1.00		.02
Bricklayers	9.40				
Carpenters	8.00				
Cement masons	8.65				
Electricians: Linemen	9.55	.40	1%+.30		1%
Glaziers	6.00				
Ironworkers:					
Reinforcing	8.405	.40	.35		.03
Structural	8.405	.40	.35		.03
Laborers:					
Laborers, Mason tenders	4.72	.25	.40		
Air tool op. (jackhammer, vibrator), Mortar mixers	4.97	.25	.40		
Millwrights	8.45				.03
Painters:					
Commercial	8.00		.25		.05
Industrial	8.75		.25		.05
New Industrial	9.25		.25		.05
Plasterers	8.90				
Plumbers: Pipefitters	9.70	.50	.50	.20	.10
Roofers	4.85				
Sheet metal workers	9.50	.55	.60		.05
Tile setter	9.21				
Tile, Marble Terrazzo finisher	4.75				
Truck drivers	3.67				
POWER EQUIPMENT OPERATORS:					
Group A	9.38	.35	.35		
Group B	8.04	.35	.35		
Group C	7.34	.35	.35		

AL77-1040 - (Cont'd)

POWER EQUIPMENT OPERATORS:
(CONT'D)

Group A - Backhoe, bulldozers, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge drill, elevating, grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking mechanic piledriver, post hole digger, scraper (pull type & self prop.), shovel, sweeper, tractor (spec. equip.,) trenching machine, well point & winch truck operators

Group B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 tons crane & over) outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

Group C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators such equipment with an overall height of 150', including jibs; all scrapers operators - additional $.25 per hour.

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NUMBER: AL77-1042
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No.: AL76-1062 dated July 30, 1976, in 41 FR 32108
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)

	*ZONE I Basic Hourly Rates	*ZONE II Basic Hourly Rates	*ZONE III Basic Hourly Rates	*ZONE IV Basic Hourly Rates
Bricklayers	3.65	3.65	3.25	3.00
Carpenters	4.50	4.25	4.50	4.25
Carpenters' helpers	3.15	3.15	3.15	3.15
Concrete finishers	4.00	3.60	3.60	3.60
Concrete saw operators	2.65	2.55	2.45	2.45
Electricians	9.10a	7.90	5.80	5.80
Ironworkers:				
Structural	5.80	5.80	5.80	5.80
Reinforcing	4.50	5.70	4.50	4.50
Laborers:				
Air tool operators	2.75	2.85	2.75	2.75
Asphalt rakers	3.35	3.30	3.50	3.10
Concrete laborers	3.25	3.00	3.00	2.90
Pipelayers	3.45	3.25	3.25	2.50
Powderman and blasters	3.50	3.50	3.50	3.50
Saw operators	3.50	3.50	2.50	2.50
Side rail or form setters	3.50	3.50	3.05	3.05
Unskilled	2.60	2.50	2.35	2.30
Wagon drill operators	3.00	3.00	3.00	3.00
Painters	5.75	5.75	5.50	5.50
Piledrivermen	5.00	5.00	4.80	4.80
Truck drivers:				
Under 1-½ ton	2.75	2.75	2.55	2.55
Single rear axle	2.75	2.75	2.65	2.55
Multi-rear axle or heavy duty, off road, single axle	3.00	3.25	2.85	2.85
Winch truck and A-Frame	3.70	3.25	3.25	3.25
Welders - Receive rate for craft				
POWER EQUIPMENT OPERATORS:				
Aggregate spreader operator	3.45	3.45	3.45	3.45
Air compressors	3.25	3.15	2.85	2.85
Asphalt distributor and asphalt spreaders	3.90	3.90	3.90	3.90
Asphalt mixers and pug mills and batch plants	3.30	3.44	3.30	3.30
Asphalt paving machines	3.85	3.85	3.85	3.85
Asphalt plant driers	3.30	3.44	3.30	3.30
Bulldozers	4.95	4.30	4.50	3.85
Bull floats	3.15	3.44	3.15	3.15
Concrete mixers (3-bags and under)	2.70	3.44	2.70	2.70
Concrete mixers (over 3-bags)	3.75	3.60	3.30	3.30
Concrete paving machines	3.30	3.60	3.30	3.30

POWER EQUIPMENT OPERATORS: (Cont'd)	*ZONE I Basic Hourly Rates	*ZONE II Basic Hourly Rates	*ZONE III Basic Hourly Rates	*ZONE IV Basic Hourly Rates
Concrete paving finishing machines	3.30	3.60	3.30	3.30
Concrete paving spreaders	3.30	3.60	3.30	3.30
Cranes, clamshells, backhoes, derricks, draglines or shovels	4.95	4.95	4.95	4.75
Conveyors	2.70	3.13	2.70	2.70
Crusher and screening plants	3.30	3.44	3.30	3.30
Drilling machines	4.00	4.00	4.00	4.00
Elevating graders, gradalls or trenching machines	4.95	4.00	4.75	3.60
Firemen	2.70	3.15	2.70	2.70
Form graders	2.70	2.70	2.70	2.70
Hoist (2-drums or 2-cages or more)	3.30	3.60	3.30	3.30
Hoist (1-drum)	3.25	3.44	3.15	3.15
Mechanics	5.00	5.15	5.00	4.00
Motor patrols	5.00	5.00	5.00	5.00
Oilers and greasemen	3.90	3.85	4.00	3.60
Paving subgraders	3.15	3.15	3.15	3.15
Piledrivers	4.55	4.85	3.66	4.85
Pumps	2.70	2.70	2.70	2.70
Pumpcretes	3.15	3.15	3.15	3.15
Rollers, self-propelled	3.55	3.50	3.30	3.50
Rollers, self-propelled (on asphalt bases and pavements)	4.00	4.00	4.00	3.60
Scale operators	2.70	2.70	2.70	2.70
Scalemen	2.70	2.70	2.70	2.70
Scrapers	4.15	3.70	3.70	3.70
Seeding and mulching machines	2.70	3.35	2.70	2.70
Striping machines (paint)	3.40	3.40	3.30	3.30
Tractors and loaders (farm rubber tired)	3.10	3.35	3.00	2.75
Tractors and loaders (80 H.P. or less (draw-bar capacity)	3.10	3.40	3.00	3.00
Tractors and loaders (over 80 H.P.)	4.00	4.00	4.00	4.00

Counties:

*Zone I: Jefferson

*Zone II: Mobile

*Zone III: Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker.

*Zone IV: Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clark, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale Henry, Houston Jackson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion Marshall, Monroe, Montgomery, Morgan Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox, and Winston Counties Alabama.

FOOTNOTE:

a. Plus fringe benefits of 30¢ Health and Welfare, 7% +.40 Pension and .5% Apprentice Training.

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Statewide
DECISION NO. AR77-4072 DATE: Date of Publication
SUPERSEDEAS DECISION NO. AR76-4111 dated July 2, 1976 in 41 FR 27547.
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, and water and sewer utilities (but does not include airports, runways and taxiways; bridges over navigable waters; tunnels, rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$4.70				
Carpenters	4.70				
Concrete finisher	4.70				
Ironworkers:					
Structural	4.20				
Reinforcing	3.40				
Laborers:					
Air tool operator	3.40				
Asphalt heater operator	3.40				
Asphalt raker	3.90				
Carpenter helper	3.50				
Chain saw operator	3.30				
Checker grade	3.40				
Concrete finisher helper	3.50				
Concrete joint sealer	3.40				
Concrete saw operator	3.50				
Form setter (pavement)	3.60				
Laborer	2.76				
Pipelayer	3.60				
Powderman	4.20				
Vibratorman	3.30				
Painter	4.20				
Pile driver leadman	4.10				
POWER EQUIPMENT OPERATORS:					
Aggregate spreader operator	3.60				
Asphalt plant fireman	3.06				
Asphalt plant drier operator	3.06				
Batch plant operator	3.66				
BULLDOZER OPERATOR:					
Finish	4.40				
Rough	4.00				
Bull float operator	3.86				
Concrete curing machine operator	4.00				
Concrete mixer operator (less than 5 sacks)	3.50				
Concrete mixer operator (5 sacks or over)	4.40				
Backhoe, operator - rubber tired (1 yard or less)	4.16				
Cherry picker operator	4.00				

DECISION NO. AR77-4072 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (cont'd)					
Concrete paver operator	$4.40				
Concrete spreader operator	4.50				
Crane, derrick, dragline, shovel, backhoe operator (1½yd. or less)	4.60				
Crane, derrick, dragline, shovel, backhoe operator (over 1½ yard)	4.70				
Crusher operator	3.60				
Distributor operator	3.70				
Drill operator (wagon or truck)	4.00				
Elevating grader operator	4.40				
Euclid or like equipment operator (bottom or end dump)	3.60				
Finishing machine operator	4.00				
Forklift operator	3.30				
Form grader operator	3.30				
Front end loader operator:					
Finish	4.40				
Rough	4.00				
Hydro seeder operator	3.60				
Mechanic	4.40				
Mechanic helper	4.00				
Motor Patrol Operator:					
Finish	4.40				
Rough	4.00				
Mulching machine operator	3.60				
Oiler and greaser	3.50				
Pile driver operator	4.10				
Pub mill operator	3.30				
Roller operator (self-propelled)	3.60				
Scraper Operator:					
Finish	4.40				
Rough	4.00				
Sod slicing machine operator	3.30				
Stabilizer mixing machine operator	3.70				
Tractor operator (crawler type)	3.60				
Tractor operator (farm & wheel)	3.30				
Tractor operator wheel type (with attachments 1 yard or under)	3.70				
Trenching machine operator	3.70				
Stonemasons	4.70				

DECISION NO. AR77-4072 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Distributor truck driver	$3.60				
Semi-trailer	3.60				
Lowboy driver	4.00				
Transit mix truck driver	3.60				
Truck driver (heavy-maximum pay load in excess of 3000 lbs)	3.40				
Truck driver (light-maximum pay load 3000 lbs)	3.30				
Welder, finish	4.40				
Welder, rough	4.00				
Well driller	4.65				
Well driller helper	3.35				
Electricians	6.00				
Electricians helper	4.50				

SUPERSEDEAS DECISION

STATE: DELAWARE
DECISION NO.: DE77-3042
Supersedes Decision No. DE76-3212, dated July 30, 1976, in 41 FR 32122.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories), Heavy and Highway Construction

COUNTY: STATE OF DELAWARE
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.44	.55	1.00		.03
BOILERMAKERS:					
New Castle County	12.05	.75	1.00		.02
Kent & Sussex Counties	9.40	.60	.90		.02
BRICKLAYERS	9.75	.80	.85		
CARPENTERS - BUILDING & HEAVY					
New Castle & Kent Counties	9.70	1.04	.74		.02
Sussex County	9.37		.82		.01
CARPENTERS - HIGHWAY CONSTRUCTION:					
New Castle & Kent Counties	8.80	1.04	.74		.02
CEMENT MASONS	8.75	1.03	.72		
ELECTRICIANS	10.90	9½%	7%		
ELEVATOR CONSTRUCTORS:					
Mechanics	12.09	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers	8.46	.545	.35	4%+a+b	.02
Elevator Constructors' Probationary Helpers	6.045				
GLAZIERS	10.08	.45	.25		.01
IRONWORKERS:					
Structural, Ornamental, Reinforcing, Riggers & Machinery Movers	11.30	.84	1.21		.05
LABORERS - BUILDING CONSTRUCTION:					
New Castle County:					
Group 1	7.80	.60	.40		
Group 2	8.05	.60	.40		
Group 3	8.30	.60	.40		
Group 4	9.05	.60	.40		
Kent & Sussex Counties:					
Group 1	7.65	.60	.40		
Group 2	7.90	.60	.40		
Group 3	8.15	.60	.40		
Group 4	8.90	.60	.40		

DECISION NO. DE77-3042

CLASSIFICATION DEFINITIONS
LABORERS - BUILDING CONSTRUCTION

Group 1 - General construction, dumpmen & truck spotters

Group 2 - Caulkers, operators of pneumatic & electric tools, vibrating machines concrete saws, pumps, pot tenders, sewer pipelayers, demolition (used of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers tenders, cement workers, mobile boggy operators, operators of power saws (portable), scaffold builders, hook-up men, signal men, stripping of flat arch & form work also cleaning & oiling thereof, tool room attendant & welder

Group 3- Burners, drillers (core, diamond or multiple wagon), sand blaster (nozzlemen), gunite workers (industrial fume stack men, nozzlemen & rodmen)

Group 4 - Blasters

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - HEAVY & HIGHWAY CONSTRUCTION:					
New Castle County:					
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitmen, puddlers, rubber magazine tenders, railroad trackmen, signal men	$ 4.60	.60	.40		
Pipelayers	4.75	.60	.40		
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caisson & coffer dams (open-air, below 8')	4.90	.60	.40		

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DECISION NO. DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - HEAVY & HIGHWAY CONSTRUCTION: (CONT'D)					
Kent & Sussex Counties:					
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitman, puddlers, rubber magazine tenders, railroad trackmen, signal men	$ 4.45	.60	.40		
Pipelayers	4.60	.60	.40		
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caissons & coffer dams (open-air, below 8')	4.75	.60	.40		
LATHERS	9.15	.50	.15		.01
LINE CONSTRUCTION:					
Linemen, cable splicers	12.08	.35	1%		½ of 1%
Winch truck operators	8.44	.35	1%		½ of 1%
Truck drivers	7.84	.35	1%		½ of 1%
Groundmen	7.22	.35	1%		½ of 1%
MARBLE SETTERS	9.48	.80	.85		
MILLWRIGHTS:					
Kent & New Castle Counties	10.25	.73	1.70		
Sussex County	9.47		.82		.01
PAINTERS:					
Base rate	8.47	.85	.55		.01
Structural steel, skates, rolling & suspended scaffolding (swing, chair & window belts)	8.645	.85	.55		.01
Machine taping	8.72	.85	.55		.01
Bridges (if surface to be painted is 50' or more above ground or water), and/or cabled scaffolding)	8.97	.85	.55		.01

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DECISION NO. DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Tanks (if exposed to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray	$ 8.97	.85	.55		.01
Height pay - work 75' to 150' from surface an additional 50c shall be paid above the applicable rate. For each additional 75' or fraction thereof an additional 50c shall be paid.					
PILEDRIVERMEN, WHARF & DOCK BUILDERS	10.42	1.88	1.30	c	.12
PLASTERERS	8.97	.90			.01
PLUMBERS & STEAMFITTERS:					
New Castle & Kent (north of the southern boundary of Dover City) Counties:					
Plumbers	10.23	1.05	.90	1.21 + d	.05
Steamfitters	11.85	.585	.915	.04 + e	.05
Sussex & Kent (remainder of county) Counties	10.00	.66	.89	f	.05
POWER EQUIPMENT OPERATORS - BUILDING & HEAVY CONSTRUCTION:					
Group 1	11.60	5.5%	9.5%	g	1.2%
Group 2	11.31	5.5%	9.5%	g	1.2%
Group 3	10.44	5.5%	9.5%	g	1.2%
Group 4	9.67	5.5%	9.5%	g	1.2%
Group 5	9.20	5.5%	9.5%	g	1.2%
Group 6	8.29	5.5%	9.5%	g	1.2%
Group 7					
100' & over	11.85	5.5%	9.5%	g	1.2%
150' & over	12.10	5.5%	9.5%	g	1.2%
200' & over	12.34	5.5%	9.5%	g	1.2%

DECISION NO. DE77-3042

CLASSIFICATIONS

Group 1 - Machines with booms doing hook work, any machine handling machinery, cable spinning machines, helicopter and similar machines

Group 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists, with 2 towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mortor patrols (fine grade), mucking machines, in tunnel, all front end loaders 3-1/2 c.y., and over, tandem scrapers, pipin type backhoes, boat captains, batch plant operators (concrete), drills, self contained rotary drill, fork lifts (20' lift & over), and similar machines

Group 3 - Conveyors (except building), building hoist (single drum), scrapers, tournapulls, spreaders (asphalt), high or low pressure boilers, concrete pumps, well drillers, bulldozers, tractors, asphalt plant engineers, rollers (high grade finishing), ditch witch type trenchers, all loaders under 3-1/2 c.y., mechanic-welders, motorpatrols, core drill operator, forklift trucks under 20' lift, similar machines

Group 4 - Conveyors (building), concrete spreader, welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), and similar machines

Group 5 - Firemen, grease trucks

Group 6 - Oilers and deck hands (personnel boats), core drill helper

Group 7 - All machines with booms (including jibs, masts and leads)

DECISION NO. DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS - HIGHWAY CONSTRUCTION					
Group 1	$11.31	5.5%	9.5%		1.2%
Group 2	10.44	5.5%	9.5%		1.2%
Group 3	9.67	5.5%	9.5%		1.2%
Group 4	8.29	5.5%	9.5%		1.2%

CLASSIFICATIONS

Group 1 - Pippin type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, paver 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over and similar machines

Group 2 - Carryalls, tournapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., and similar machines

Group 3 - Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps (4" or over), pumps (2 pr more any size), well point pumps, concrete breaking machines, rollers (grade fill and stone base), firemen, and similar machines

Group 4 - Oilers

ROOFERS:					
Composition, damp and waterproofing	11.36	1.30	.82	h	
Mechanic II (re-roofing)	5.50	1.30	.82	h	
SHEET METAL WORKERS	9.50	.75	.60		.02
SOFT FLOOR LAYERS:					
New Castle & Kent Cos.	9.70	1.04	.74		.02
Sussex Co.	9.37		.82		.01
SPRINKLER FITTERS	11.61	.60	.90		.08
STONE MASONS	9.20	.70	.75		
TERRAZZO WORKERS & TILE SETTERS	9.48	.80	.85		
TILE SETTERS' HELPERS	7.25				

DECISION NO. DE77-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS - BUILDING CONSTRUCTION:					
Group 1	$ 7.06	.5675	.55	f	
Group 2	6.96	.5675	.55	f	
Group 3	6.81	.5675	.55	f	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

Group 1 - Euclid type or similar off highway equipment (where not self-loaded), off highway tandem back-dump, specialized earth moving equipment, truck mechanic (first class), twin engine equipment & double-hitched equipment (where not self-loaded).

Group 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks & truck mechanics (second class).

Group 3 - Dumps (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight job), fork lifts, form trucks, greasers, material checkers & receivers, panel trucks, pick-ups rubber-tired (towing & pushing vehicles), tiremen & truck mechanic helpers, truck helpers.

TRUCK DRIVERS - HEAVY HIGHWAY CONSTRUCTION:					
Group 1	6.21	.5675	.55	f	
Group 2	6.11	.5675	.55	f	
Group 3	5.96	.5675	.55	f	

DECISION NO. DE77-3042

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS
HEAVY & HIGHWAY CONSTRUCTION

Group 1 - Euclid type or similar off highway equipment (where not self loaded), specialized earth moving equipment, truck mechanics (first class), twin engine equipment & double-hitched equipment (where not self-loaded.

Group 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks, truck mechanics (second class).

Group 3 - Dump trucks (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight jobs), greasers, material checkers & receivers, panel trucks, pick-ups, rubber-tired (towing or pushing flat body vehicles), tiremen, truck mechanic helpers, truck helpers.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contribution of 4% of the basic hourly rate for 5 years or more of service and 2% of the basic hourly rate for 6 months to 5 years of service for Vacation Pay Credit

b. Paid Holidays: A through F

c. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Presidential Election Day, Veterans Day or Thanksgiving Day.

d. Paid Holidays: A through F; provided the employee is actively and currently employed by the employer at the time the holiday occurs; provided the employee would otherwise be scheduled to work and would work on such day if it was not observed as a holiday; and provided the employee has worked under current working conditions the last regularly scheduled workday before, and the first regularly scheduled workday after the holiday.

DECISION NO. DE77-3042

FOOTNOTES: (Cont'd)

e. Paid Holiday: Labor Day provided the employee is currently on the payroll and would be scheduled to work the holiday also employee must work the day prior to and after the holiday.

f. Paid Holidays: A through F; provided the employee worked the scheduled work day preceeding and following the holiday.

g. Paid Holidays: A through F; plus Election Day provided the employee works the scheduled work day before and after the holiday.

h. Paid Holiday: Election Day.

SUPERSEDEAS DECISION

STATE: Florida
COUNTIES: Martin & Palm Beach
DECISION NUMBER: FL77-1034
DATE: Date of Publication
Supersedes Decision No.: FL75-1033 dated March 28, 1975 in 40 FR 14219
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & refrigeration mechanic	10.91	.45	.25 + .70		.16
Asbestos workers	11.15	.50	.65		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters	9.77	.60	.60	.50	
Carpenters & soft floor layers	8.65	.55	.70		.04
Electricians	10.33	3.5%	1% + 8%	6%	1.5%
Cable splicers	11.36	3.5%	1% + 6%	6%	1.5%
Elevator constructors:					
Elevator constructors	10.73	.545	.35	4%+ a&b	.02
Helpers	70% JR	.545	.35	4%+ a&b	.02
Helpers (probationary)	50% JR				
Glaziers	8.40	.25	.20		
Ironworkers	10.15	.45	.38	.50	.10
Laborers:					
General	6.50	.60	.30		
Mason tenders, mortar mixers, air tool operators & pipelayers	6.60	.60	.30		
Plasterers tenders	6.78	.60	.30		
Lathers	8.88		.10		.025
Line Construction:					
Linemen	10.52	3.5%	1%		3/8 of 1%
Cable splicers	10.82	3.5%	1%		3/8 of 1%
Winch truck operators	8.38	3.5%	1%		3/8 of 1%
Groundmen	5.72	3.5%	1%		3/8 of 1%
Truck drivers	6.89	3.5%	1%		3/8 of 1%
Heavy equipment operators	10.52	3.5%	1%		3/8 of 1%
Millwrights	8.95	.70	.55		.02
Painters, brush	8.18	.38	.30		.02
Piledrivermen	8.70	.70	.55		.02
Plumbers & steamfitters	10.91	.45	.25 +.70		.16
Roofers	9.40	.40	.50		.015
Sheet metal workers	9.97	.60	.33		.02
Sprinkler fitters	10.16	.60	.90		.10
Riveters & Welders - Rate for craft.					

FL77-1034 (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Backhoe	8.75	.50	.80		.05
Bulldozer	8.15	.50	.80		.05
Cranes	9.00	.50	.80		.05
Mechanic	9.00	.50	.80		.05
Oiler	7.30	.50	.80		.05
Pump	7.70	.50	.80		.05
Utility operator	7.55	.50	.80		.05

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

Paid Holidays (Where applicable)
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Pinellas
DECISION NUMBER: 77FL-1043 DATE: Date of Publication
Supersedes Decision No.: FL76-1040 dated March 19,1976 in 41 FR-11738
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning or refrigeration mechanic	7.45	.30	.70		.025
Asbestos workers	10.53	.50	.35		.06
Boilermakers	9.50	.75	1.00		.02
Bricklayers	9.20	.45	.50		.09 + .01
Carpenters:					
Carpenters & soft floor layers	8.765	.50	.40		.04
Millwrights	9.42	.55	.70		.08
Piledrivermen	8.80	.55	.70		.08
Cement masons	8.60	.45	.50		.09 + .01
Electricians:					
Electricians	10.20	5%	7%+1%		3/4 of 1%
Cable splicers	10.45	5%	7%+1%		3/4 of 1%
Elevator constructors	9.28	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Ironworkers:					
Structural, ornamental, & reinforcing	9.85	.60	.50	.50	.05
Laborers:					
Air tool op., (jackhammer vib.)	6.65	.425	.20		
Common laborers	6.50	.425	.20		
Mason tenders & mortar mixers	6.65	.425	.20		
Pipelayers (concrete & clay)	6.65	.425	.20		
Plasterers' tenders	6.65	.425	.20		
Lathers	8.805	.30	.20		.01
Lead burners	9.25	.35		c	.01
Line construction:					
Class A	10.75		1%	d	1/10 of 1%
Class B	8.44		1%	d	1/10 of 1%
Cable splicers	11.15		1%	d	1/10 of 1
Groundman A	6.45		1%	d	1/10 of 1%
Groundman B	4.30		1%	d	1/10 of 1%
Marble setters	9.20	.45	.50		.09 + .01
Painters:					
Brush & roller	8.65	.35	.40		.06
Swing stage & window jacks, spray and sandblasting	9.15	.35	.40		.06
Dry wall tapers	9.50	.35	.40		.06
Paperhangers	9.15	.35	.40		.06

77FL-1043 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	$8.76	.30	.50		.05
Plumbers & steamfitters	10.08	.50	.90		.08
Roofers:					
Roofers	8.35	.25	.20		.02
Kettlemen	5.85	.25	.20		.02
Helpers	4.80	.25	.20		.02
Sheet metal workers	9.56	.48	.44		.02 + .05
Sprinkler fitters	10.16	.60	.90		.10
Stonemasons	7.55	.30	.50		.05
Terrazzo workers	7.30	.30	.50		.05
Terrazzo workers' helpers	4.50	.20			
Terrazzo grinders	4.15	.20			
Terrazzo base grinders	4.35	.20			
Tile setters	7.30	.30	.50		.05
Tile setters' helpers	4.50	.20			

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 1½% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. One-half day paid holiday: National General Election Day.

77FL-1043 (cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	10.89	.625	.60		.05
Group II	9.905	.625	.60		.05
Group III	10.14	.625	.60		.05
Group IV	9.685	.625	.60		.05
Group V	7.875	.625	.60		.05
Group VI	8.135	.625	.60		.05
Group VII	7.645	.625	.60		.05

GROUP I:
Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with Chicago boom, material hoist with two drums, hydraulic lift form, diesel, electric and steam generators, motor grader, pumpcrete or similar machine, cherry picker, gradall, hypto and wheelabrator and mechanic, tractor backhoe, drill, rig and tack boom tractor.

GROUP II:
Trenching machine over 24", winch truck, material hoist (elevator type)

GROUP III:
Tugger hoist

GROUP IV:
Crawler bulldozer, crawler tractor and turnapull, heavy huff-type front end loader, heavy DW-10 to DW-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator

GROUP V:
Well point system and pumps, material hoist, front end loader other than heavy huff-type, rubber tired tractor with attachments other than backhoe

GROUP VI:
Air compressor 125 cu. ft. or over

GROUP VII:
Concrete mixer, rubber tired tractor without attachments, trenching machine under 24", high lift, sandblasting machine, welding machine, air compressor, miscellaneous pumps

150' boom, including jib scale of top operator classification plus $.25 p.h. Tower crane operators $.25 per hour above top operator classification not including long boom pay.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: See below*
DECISION NUMBER: FL77-1044 DATE: Date of Publication
Supersedes Decision No.: FL76-1029 dated February 27, 1976 in 41 FR 8638
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

*Volusia County (except Cape Kennedy, Kennedy Space Flight Center, and Cape Canaveral Air Force Station), Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$10.51	.45	.55		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers	8.55	.35	.20		
Carpenters	7.05	.40	.25		.05
Cement masons	7.35				
Electricians:					
(north of a line starting on the Volusia-Lake County line west of Orange City and running east to Orange City, then southeast through Oak Hill to the Atlantic Ocean)					
Electricians	8.74	.45	1% + .48		1%
Cable splicers	8.99	.45	1% + .48		1%
Electricians:					
(Remaining portion of County):					
Electrical contracts under $20,000	7.50	.55	1%		1%
Electrical contracts over $20,000	9.80	.55	1%		1%
Elevator constructors:					
Constructors	9.315	.545	.35	4%+a&b	.02
Helpers	70%JR	.545	.35	4%+a&b	.02
Helpers (Prob.)	50%JR				
Glaziers	7.35		.10		.01
Ironworkers:	9.33	.65	.60	.65	.05
Laborers:					
Laborers	4.60	.15			
Air tool operators	4.75	.15			
Mason tenders	4.75	.15			
Mortar mixers	4.75	.15			
Pipelayers (concrete & clay)	4.75	.15			
Plasterers' tenders	4.75	.15			
Lathers	7.05	.30	.20		.05
Marble setters	7.60				
Millwrights	9.42	.55	.70		.08

FL77-1044 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush	$7.20		.20		
Spray	7.70		.20		
Paperhangers	7.45		.20		
Piledrivermen	7.35	.40	.25		.05
Plasterers	7.70				.05
Plumbers, pipefitters; steamfitters:					
Commercial	9.40	.49	.51	.60	.05
Industrial	10.52	.57	.56	.60	.05
Roofers	6.75	.30	.20		
Kettlemen	5.30	.30	.20		
Roofers' helpers	4.65	.30	.20		
Sheet metal workers	9.34	.30	.30	.50	.04
Soft floor layers	7.05	.40	.25		.05
Sprinkler fitters	10.16	.60	.90		.10
Stonemasons	8.55	.35	.20		
Tile & Terrazzo workers	7.60				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

FL77-1044 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.08	.50	.35		.05
GROUP II	7.95	.50	.35		.05
GROUP III	7.00	.50	.35		.05
GROUP IV	5.94	.50	.35		.05

GROUP I: Cranes, derricks, clam shell, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator(similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions).

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine, (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold) lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanic helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CHEMUNG
DECISION NO.: NY77-3001 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY76-3263 dated October 29, 1976 in 41 FR 47860
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKER	$11.30	.81	.35		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS AND TILE SETTERS	10.00		.50		
CARPENTERS, (BUILDING):					
Twps. of Chambers, Post Creek, Big Flats and Sagetown:					
Carpenters	8.97	.50	.95	g	.05
Millwrights and piledrivermen	9.22	.50	.95	g	.05
Remainder of County:					
Carpenters & soft floor layers	9.47	.35	.50		.04
Millwrights and piledrivermen	9.71	.35	.50		.04
CARPENTERS, (HEAVY & HIGHWAY):					
Twps. of Chambers, Post Creek, Big Flats and Sagetown	8.97	.40	.95	a	.025
Remainder of County	9.47	.35	.50	a	.045
CEMENT MASONS, (HEAVY & HIGHWAY)	9.70		.50		
ELECTRICIANS	11.60	.50	1%+.50	f	.05
ELEVATOR CONSTRUCTORS	9.425	.495	.32	3%+a+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.60	.495	.32	3%+a+c	.02
ELEVATOR CONSTRUCTORS' HELPERS PROBATIONARY	4.71				
GLAZIERS	7.18	.35	.30		.01
IRONWORKERS:					
Structural, ornamental and reinforcing	9.33	.70	.82		.05
LABORERS, (BUILDING):					
Laborers	6.90	.40	.25		
Mortar mixer (hand or machine for 3 or more men), jackhammer, pavement breakers, pipelayers (over 6"), gin buggy, work on scaffold, chain saw operator, and all other types of gas, electric and air tools	7.10	.40	.25		
LATHERS	9.63		.20		.01
LEAD BURNERS	10.75	.40	.25	d	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	11.10	.65	1%+.60	e	½%
Cable splicer	12.21	.65	1%+.60	e	½%
Groundman digging machine op.	9.99	.65	1%+.60	e	½%
Groundman mobile equipment op.	8.88	.65	1%+.60	e	½%
Groundman truck driver	8.325	.65	1%+.60	e	½%
Groundman dynamite man	8.88	.65	1%+.60	e	½%
PAINTERS:					
Brush	7.71	.35	.30		
Structural steel	8.71	.35	.30		
Swinging scaffold	7.96	.35	.30		
Boatswain chair	7.96	.35	.30		
Spray	8.56	.35	.30		
Brush-roll epoxy	8.26	.35	.30		
Spray-epoxy	8.96	.35	.30		
PLUMBERS AND STEAMFITTERS	10.05	.60	.80		.10
ROOFERS	9.39	.44	1.00		
SHEET METAL WORKERS	9.60	3%+.60	.70		.02
SPRINKLER FITTERS	11.61	.60	.90		.08

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HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:
a. Holidays: Independence Day and Labor Day.

b. Holidays: A through F.

c. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

d. Holidays A through F; Washinton's Birthday, Good Friday, X-Mas Eve, providing employee has worked 30 full days during the 90 calender days prior to the holidays, and the regular schedule work day immediately preceeding and following the holidays.

e. Holidays: A through F; Good Friday, Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State providing the employee works the day before and after the holiday.

f. Employee shall work 4 hours and receive 8 hours pay on Christmas Eve.

g. Two hours paid time off on Election Day.

DECISION NO. NY77-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, (HEAVY AND HIGHWAY CONSTRUCTION):					
GROUP I	$ 7.89	.50	.45	a	
GROUP II	8.09	.50	.45	a	
GROUP III	8.29	.50	.45	a	
GROUP IV	8.49	.50	.45	a	

LABORERS DEFINITIONS

GROUP I
Laborers and driller helpers

GROUP II
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin, buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper and pipe-layers

GROUP III
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator

GROUP IV
Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

DECISION NO. NY77-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, (BUILDING CONSTRUCTION):					
GROUP I:					
A	$10.85	.50	.50+.30	a	.10
B	10.90	.50	.50+.30	a	.10
C	11.15	.50	.50+.30	a	.10
D	11.40	.50	.50+.30	a	.10
E	11.90	.50	.50+.30	a	.10
F	12.40	.50	.50+.30	a	.10
G	12.90	.50	.50+.30	a	.10
H	13.40	.50	.50+.30	a	.10
GROUP II	10.85	.50	.50+.30	a	.10
GROUP III	10.67	.50	.50+.30	a	.10
GROUP IV	9.58	.50	.50+.30	a	.10
GROUP V	8.58	.50	.50+.30	a	.10

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

GROUP I

Cranes (cable and hydraulic, climbing and tower)

A 121 ft. and under
B 121 ft. and 151 ft.
C 151 ft. and 201 ft.
D 201 ft. and 251 ft.
E 251 ft. and 301 ft.
F 301 ft. and 351 ft.
G 351 ft. and 401 ft.
H 401 ft. and 451 ft.

GROUP II

Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, fork-lift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III

A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20

DECISION NO. NY77-3001

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION (CONT'D)

GROUP III (CONT'D)

inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 12000 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotive (all types), tower-mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned

GROUP IV

Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned

GROUP V

Truck crane oilers

FOOTNOTES:

a. Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, (HEAVY & HIGHWAY CONSTRUCTION):					
GROUP I	$ 9.59	.55	1.00	a	.10
GROUP II "	9.27	.55	1.00	a	.10
GROUP III	8.59	.55	1.00	a	.10
GROUP IV	7.80	.55	1.00	a	.10

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I

Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP III

Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary dill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, be shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

GROUP III

A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV

Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Lanor Day; E-Thanksgiving Day aND F-CHristmas Day.

FOOTNOTE:

a. Holidays: A through F; providing the employee works the working day before and after the holiday.

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DECISION NO. NY77-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS, HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS 1	7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided the employee has worked the working day before and after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: STEUBEN
DECISION NO.: NY77-3007 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY76-3268 dated October 29, 1976 in 41 FR 47890
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.17	1.10	.50		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TILE SETTERS, TERRAZZO WORKERS	10.00		.50		
CARPENTERS, (BUILDING): Village of Hammondsport, Village of Pulteney, Pleasant Valley to Rheims, Village of Prattsburg, Tyrone to Watkins Glen:					
Carpenters	9.11	.50	1.55		.005
Millwrights and piledrivermen	9.21	.50	1.55		.005
Heavy and Highway:					
Carpenters and piledrivermen	8.27	.50	1.55		.025
CARPENTERS, (BUILDING): Twps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornell, City of Hornell, Avoca, Cohocton, Canisteo, Dansville, Howard, Greenwood, West Union:					
Carpenters and soft floor layers	8.87	.50	.95	i	.05
Millwrights and piledrivermen	9.22	.50	.95	i	.05
Heavy and Highway:					
Carpenters	8.92	.50	.95	g	.025
CARPENTERS, (BUILDING): Remainder of County:					
Carpenters and soft floor layers	8.81	.40	.95		.02
Millwrights and piledrivermen	9.06	.40	.95		.02
Heavy and Highway:					
Carpenters and piledrivermen	9.02	.40	.90	g	.025
CEMENT MASONS, (HEAVY AND HIGHWAY)	9.70		.50		
ELECTRICIANS	11.60	.50	1%+.50	d	.05
GLAZIERS	7.18	.35	.30		.01

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DECISION NO. NY77-3007	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS, STRUCTURAL, REINFORCING AND ORNAMENTAL:					
Twps. of Wayland, Ghoeton, Atlantic, South Dansville	10.29	.74	.82		.10
Remainder of County	9.33	.70	.82		.05
LABORERS, (BUILDING):					
Laborers	6.90	.40	.25		
Mortar mixer (hand or machine), Jackhammer op., pavement breaker, pipelayers (over 6"), gin buggy, scaffold work, chain saw op., and all other gas, air or electric tools	7.10	.40	.25		
LATHERS	9.63		.20		.01
LEAD BURNERS	10.75	.40	.25	b	.01
LINE CONSTRUCTION:					
Linemen	11.10	.65	1%+.60	c	½%
Cable splicer	12.21	.65	1%+.60	c	½%
Groundman digging machine op.	9.99	.65	1%+.60	c	½%
Groundman mobile equipment op.	8.88	.65	1%+.60	c	½%
Groundman truck drivers	8.325	.65	1%+.60	c	½%
Groundman dynamiteman, mechanic	8.88	.65	1%+.60	c	½%
PAINTERS:					
Twps. of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison, Rathbone:					
Brush	7.71	.35	.30		
Swinging scaffold	8.56	.35	.30		
Spray	8.21	.35	.30		
Structural steel	8.71	.35	.30		
Spray epoxy	8.96	.35	.30		
Remainder of County:					
Brush	10.255	.975	.30		.10
Swing stage, sandblasting, spray, scaffold work and bosun chair	10.505	.975	.30		.10
Steel, tanks, towers, stacks, flag poles, towers (radio-t.v.)	10.755	.975	.30		.10
Bridges 35' high or in depth of 35' from road level	11.92	.975	.30		.10

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS AND STEAMFITTERS: Twps. of Avoca, Canisto, Cohocton, Dansville, Fremont, West Union, Greenwood, Bartsville, Hornellville, Howard, Wheeler, Jasper, Prattsburg, Pulteney, Troupsburg, Wayland, Woodhull, Cameron, Rathbone and Tuscarora	10.49	2.265	.62	.55+h	.16
Remainder of County	10.00	.60	.85		.10
ROOFERS	9.39	.44	1.00		
SHEET METAL WORKERS	9.60	.60	3%+.70		.01
SPRINKLER FITTERS	11.61	.60	.90		.08
TRUCK DRIVERS, (BUILDING): Twps. of Wayland	9.20	.45	.50		
Twps. of Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Cameron, Thurston, Campbell, Urbana, Hornley, Bradford and Wayne	5.40	e		f	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY77-3007

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F providing the employee works the day before and after the holiday.

b. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar day year prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

c. Holidays: A through F, Washington's Birthday; Election Day for the President of the U. S. and Governor of New York State (provided the employee works the day before and after the holiday).

d. Employer shall work 4 hours and receive 8 hours pay on Christmas Eve.

e. Employer contributes $1.40 per day to a combined Health, Welfare and Pension fund.

f. Holidays A through F.

g. Holidays: Labor and Memorial Day.

h. Holidays: C, D, E & F

i. Two hours off with pay for Election Day.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, (HEAVY AND HIGHWAY CONSTRUCTION):					
GROUP I	$ 7.89	.50	.45	a	
GROUP II	8.09	.50	.45	a	
GROUP III	8.29	.50	.45	a	
GROUP IV	8.49	.50	.45	a	

LABORERS DEFINITIONS

GROUP I
Laborers and driller helpers

GROUP II
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin, buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper and pipe-layers

GROUP III
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator

GROUP IV
Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I					
A	9.57	.40	.70	a	.10
B	9.85	.40	.70	a	.10
C	10.12	.40	.70	a	.10
D	10.40	.40	.70	a	.10
E	10.95	.40	.70	a	.10
F	11.51	.40	.70	a	.10
G	12.05	.40	.70	a	.10
H	12.61	.40	.70	a	.10
GROUP II	9.57	.40	.70	a	.10
GROUP III	9.38	.40	.70	a	.10
GROUP IV	8.245	.40	.70	a	.10

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I
Cranes
A. 121 ft. & under
B. Between 121 - 151 ft.
C. Between 151 - 201 ft.
D. Between 201 - 251 ft.
E. Between 251 - 301 ft.
F. Between 301 - 351 ft.
G. Between 351 - 401 ft.
H. Between 401 - 451 ft.

GROUP II
Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, fork-lift (with factor rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use)

DECISION NO.: NY77-3007

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)

GROUP III
"A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, fork-lift (with factory rating of less than (15) fifteen ft. of lift), high pressure boiler (over 15 pounds pressure), hoist (1 or drums), motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile aNd similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system

GROUP IV
Any combination (not to exceed three (3) piences of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers

PAID HOILIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays A through F; providing employee works the working day immediately preceding the holiday, or on the scheduled work day immediately following the holiday.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, (HEAVY & HIGHWAY CONSTRUCTION):					
GROUP I	9.69	.85	.60	a	.10
GROUP II	9.37	.85	.60	a	.10
GROUP III	8.69	.85	.60	a	.10
GROUP IV	7.90	.85	.60	a	.10

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I
Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP III
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary dill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

GROUP III
A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV
Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Lanor Day; E-Thanksgiving Day aND F-CHristmas Day.

FOOTNOTE:
a. Holidays: A through F; providing the employee works the working day before and after the holiday.

DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Remainder of County:					
GROUP I	7.48	.45	.40	a	
GROUP II	7.53	.45	.40	a	
GROUP III	7.58	.45	.40	a	
GROUP IV	7.73	.45	.40	a	
GROUP V	7.92	.45	.40	a	

TRUCK DRIVERS: BUILDING CONSTRUCTION

GROUP I
Warehouse, yardmen, truck helper, pickups, panel trucks, flatboy, material trucks (straight jobs), single axel, dump trucks, dumpster, material checkers and receivers, greasers, truck tiremen, mechanic helpers, parts chaser

GROUP II
Tandems and bath trucks, mechanics, dispatcher

GROUP III
Semi-trailers, lowboy trucks, asphalt distributor trucks and agitator, mixer trucks, dumpcrete type vehicle truck mechanic

GROUP IV
Specialized earth moving equipment-euclid type or similar off-highway equipment, where not self loaded, and strattle (ross) carrier

GROUP V
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self-loaded

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:
a. Employee who have worked 150 days or more in the first contract year receive 2 weeks with pay at classification at which they worked the greatest number of days, second year of employment the employee is required to work 100 days in the contract year to receive 2 weeks vacation.

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DECISION NO. NY77-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS, HEAVY AND HIGHWAY CONSTRUCTION					
CLASS 1	7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Provided the employee has worked the working day before and after the holiday.

SUPERSEDEAS DECISION

Decision Number OK77-4073 Page 2

STATE: Oklahoma COUNTY: Statewide (except heavy construction within the city of Muskogee)

DECISION NO. OK77-4073 DATE: Date of Publication

SUPERSEDEAS DECISION NO. OK76-4073 dated April 16, 1976 in 41 FR 16422

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, erosion control structures, well drilling, and water and sewer utilities, (but does not include airports, runways and taxiways; bridges over navigable waters; rest areas which include building structures; and railroad construction)

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.50	3.25
Asphalt raker	2.75	2.50	2.50	3.40	3.75
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	4.00	4.25	4.00	4.50	3.50
Carpenter helper	2.75	3.25	3.50	2.75	2.75
Concrete finisher	4.50	3.50	3.50	4.00	3.50
Concrete finisher helper	2.75	3.25	2.75	3.00	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	4.00	3.50	4.50	4.00	3.50
Form setter helper	2.75	2.75	3.75	3.00	2.75
Laborer, common	2.75	2.85	2.75	3.00	2.75
Manhole builder	3.75	3.50	3.50	3.95	3.50
Mechanic	4.50	4.25	4.25	4.15	4.00
Mechanic helper	2.75	3.54	2.75	3.40	3.25
Oiler	4.00	3.30	3.50	3.725	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	3.00
Structural steel worker	3.75	3.50	3.50	4.00	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.60	2.75
Welder	4.25	3.85	4.25	3.90	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.50	3.50	3.50
Asphalt raker	2.50	2.75	3.40	3.40	3.15
Asphalt shoveler	2.50	2.75	2.50	2.50	2.875
Carpenter	3.50	4.00	4.25	4.50	4.00
Carpenter helper	2.75	2.75	3.75	3.85	3.00
Concrete finisher	3.50	3.50	4.00	3.93	4.44
Concrete finisher helper	2.75	2.75	3.00	3.37	3.70
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	4.00	4.25
Form Builder helper	2.75	2.75	2.75	3.00	3.75
Form Setter	3.50	3.50	4.00	4.00	4.31
Form setter helper	2.75	2.75	3.00	3.00	3.50
Laborer, common	2.75	2.50	3.00	3.00	3.10
Manhole builder	3.50	3.50	3.95	3.95	4.25
Mechanic	3.75	4.50	4.10	4.10	3.75
Mechanic helper	3.00	3.00	3.40	3.40	3.25
Oiler	4.25	3.25	3.80	3.80	3.75
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	4.75	3.75
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.60	2.60	3.20
Welder	3.50	3.50	3.90	3.90	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

Decision Number OK77-4073 Page 3

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	3.00
2 tons and under	2.75	2.50	2.50	2.60	2.50
Tandem Axle & semitrailer	3.60	3.00	2.75	3.25	3.25
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.25	3.00
Winch	3.00	3.00	2.75	3.00	3.00
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.50	3.25	3.00	3.50	3.00
Asphalt paving Machine	3.50	3.70	3.75	4.00	3.625
Bulldozer	4.50	4.25	4.25	4.00	4.00
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	4.00	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	4.00	3.50	3.25	3.50	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	4.50	4.25	3.75	4.525	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.90	3.25
Front end loader (over 1 cy)	3.50	3.75	3.78	3.90	4.00
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	4.50	4.25	4.25	4.025	3.95
Pug mill operator	3.25	3.00	3.75	3.25	4.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	4.25	3.50	3.68	3.50	3.25
Roller (pneumatic)	3.50	3.00	3.65	3.25	3.00
Scrapers	4.50	4.25	4.25	3.75	3.75
Tractors:					
Crawler, 80 HP & Less	3.25	3.00	3.625	3.00	3.00
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilization	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.50	3.00	3.00	3.00	3.00

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	$ 2.50	2.75	3.75	3.35	3.69
2 tons and under	2.50	2.75	3.75	3.35	3.60
Tandem axle & semitrailer	3.30	3.00	3.70	3.70	3.60
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.70	3.30
Winch	3.00	3.00	3.60	3.60	3.70
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	4.00	4.00	4.60
Bulldozer	4.75	4.50	4.00	4.00	4.70
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.375	3.50	4.55	5.20
Concrete finishing machine	3.50	3.25	3.50	3.50	4.70
Concrete saw operator	3.00	3.00	3.50	3.50	3.80
Concrete batching plant	3.00	3.00	3.25	4.25	4.725
Crane, clamshell, backhoe, dragline, derrick and shovel	3.75	3.75	4.15	4.75	4.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.90	3.90	4.00
Front end loader (over 1 cy)	3.25	3.25	3.90	3.90	4.49
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer 16 C. F. and Less)	3.25	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	4.10	4.10	4.00	4.34
Pug mill operator	3.00	3.00	3.25	3.45	4.10
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.75	3.75	4.10
Roller (pneumatic)	3.00	3.25	3.25	3.25	4.10
Scrapers	4.75	3.75	4.00	3.60	4.25
TRACTORS:					
Crawler, 80 HP & less	2.75	3.25	3.00	3.60	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.70
Pneumatic, 80 HP and less	2.75	2.75	3.00	3.60	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabilization	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

AREAS COVERED BY VARIOUS ZONES

Construction, alteration, and/or repair of streets, runways, erosion control structures, and water and sewer utilities.

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, Pottawatomie, and Seminole Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE 7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephen Counties.

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

Zone 10 - Oklahoma County

WELL DRILLING	ZONE-A	ZONE-B			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Well Drillers	$4.00	$3.00			
Well driller helpers	3.00	2.50			

AREA COVERED BY VARIOUS ZONES

Well Drilling

Zone-A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, Leflore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Pushmataha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

Zone-B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

SUPERSEDEAS DECISION

STATE: Tennessee COUNTIES: Knox and Monroe
DECISION NUMBER: TN77-1037 DATE: Date of Publication
Supersedes Decision No.: TN77-1016 dated March 11, 1977 in 42-FR-13793
DESCRIPTION OF WORK: Building Construction, (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.73	.45	.20		.01
Boilermakers	9.50	.90	1.00		.02
Bricklayers & stonemasons	9.45				
Carpenters	7.92		.40		.02
Cement masons	7.37				
Electricians and Line Construction:					
Electricians & linemen	8.65	.40	1%+.20		.5%
Cable splicers	9.05	.40	1%+.20		.5%
Elevator constructors	8.625	.545	.35	4%+a&b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a&b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	5.75		.25		.005
Ironworkers:					
Structural & ornamental	8.01	.50	.30		.02
Reinforcing	7.87	.50	.30		.02
Fence erector	8.01	.50	.30		.02
Lathers	8.19		.20		.01
Leadburners	10.50	.40		c	.01
Marble masons	9.45				
Millwrights	8.52		.40		
Painters:					
Commercial	7.70		.35		.03
Industrial	8.05		.35		.03
Piledrivermen	8.17		.40		.02
Plasterers	8.40				
Plumbers & Steamfitters	8.50	.40	.70	.30+d	.05
Roofers, composition	7.18		.25		
Roofers, slate & tile	7.18		.25		
Sheet metal workers	8.91	.35	.50		.02
Soft floor layers	7.97		.35		
Sprinkler fitters	10.10	.60	.90		.08
Terrazzo workers & tile setters	9.45				
Truck drivers:					
3 tons, & inc., 6 yd., dump truck	5.10	.25	e		
3 to 5 tons, & inc. 6 yds., dump truck	5.34	.25	e		
5 tons, & over inc. dump truck over 6 yds, ready mix conc, truck, tank trucks, floats, & lowboys, winch truck & semi-					

TN77-1037 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers - (Cont'd): trailer, any type trucks pulling or towing equip.	5.45	.25	e		
Welders - receive rate for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. 9 Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holidays.

d. $.05 holiday pay.

e. $14.00 per week for each employee.

TN77-1037 - (Cont'd)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP A	5.14	.15	.15		.01
GROUP B	5.29	.15	.15		.01
GROUP C	5.29	.15	.15		.01
GROUP D	5.32	.15	.15		.01
GROUP E	5.44	.15	.15		.01
GROUP F	5.94	.15	.15		.01
GROUP G	5.64	.15	.15		.01
Tunnel Construction:					
GROUP H	5.14	.15	.15		.01
GROUP I	5.54	.15	.15		.01
GROUP J	5.69	.15	.15		.01
GROUP K	5.84	.15	.15		.01
GROUP L	5.94	.15	.15		.01

GROUP A: Construction Laborer

GROUP B: Mortar mixers, plasterer tender

GROUP C: Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., barco tamp op., all power driven tool op.

GROUP D: Acetlyene burner

GROUP E: Wagon drill operator

GROUP F: Caisson hole man

GROUP G: Powderman

GROUP H: Outside laborer

GROUP I: Tunnel laborer

GROUP J: Chunk tender

GROUP K: Concrete gun op., nozzleman

GROUP L: Tunnel miner

TN77-1037 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	7.79	.30	.20		.02
GROUP B	7.24	.30	.20		.02
GROUP C	6.06	.30	.20		.02
GROUP D	5.57	.30	.20		.02

GROUP A: Backhoes; cable ways; ross carrier; clamshells; cranes; derricks; draglines; tournapulls; pans; scrapers; scoops, etc.; head tower machines; locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with A-frame; skimmer scoops; locomotive cranes; over-head cranes; pile drivers; skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel or stone); derrick boats; dredge boats; engines used in connection with hoist material with an attached device on tower or engine; mucking machines; hi-lifts or end loaders; finish graders; cherry-pickers; tower cranes; skylift & gradall; dozers; earth augers and pole machine operators; core drill & foundation drills

GROUP B: Tractors, farm type tractors with attachments; central compressor plants; elevators, used for hoisting building material, central mixing plants; hoist; pump crete machines; concrete pumps; trenching machines; backfillers (other than cranes); crushing plant operators; elevating graders; paving machines (black top); fork-lift; paving machines, concrete; boat operator or engineer (30 tons or over); tracmobile; maintainers; blacktop roller; switchman; locomotive under 20 tons

GROUP C: Asphalt plant operators; barber green type loaders; engine tender other than steam; mixers, over 2 bags not include central plants; pumps, 2 not more than 3; scarifiers; spreader box (bituminous); asphalt mixers; portable compressors, 2 not more than 3; rollers; sub-grader machine; tractors, farm type without attachments; cable head tower engineman; dredge booster pump operators; boat operator or engine, under 30 tons; finishing machine; fireman & oiler (combination); motor crane oiler & driver; welding machine, 2 not more than 3; heaters, stationary or portable (to 5); compressors (portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pumps (1); oiler; heater (1)

SUPERSEDEAS DECISION

STATE: Tennessee COUNTIES: *See below
DECISION NO.: TN77-1038 DATE: Date of Publication
Supersedes Decision No.: TN76-1130 dated November 19, 1976 in 41 FR-51366
DESCRIPTION OF WORK: Building construction, (does not include single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

*Counties: Hamilton, Bradley, Marion, Meigs, Polk, & Rhea

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.73	.45	.20		.01
Boilermakers	9.50	.75	1.00		.02
Bricklayers: Concrete block-layers, Marble setters, Stonemasons, Terrazzo workers, tile setters	9.50	.45	.30		
Carpenters:					
Carpenters, soft floor layers	8.38	.45	.40		.03
Piledrivermen	8.505	.45	.40		.03
Millwrights	8.83	.45	.40		.03
Cement masons:					
Cement masons	8.40				
Power machine operator, Swinging scaffold & boa'n chair	8.60				
Electricians:					
Electricians	9.05	.60	1%+.30		1%
Cable splicers	9.30	.60	1%+.30		1%
Elevator constructors	9.095	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.14			c	
Ironworkers	8.61	.55	.50		1%
Lathers	8.65				.01
Leadburners	10.25	.35		d	.01
Painters:					
Commercial	7.50		.25		
Industrial	7.75		.25		
Sandblasting	8.00		.25		
Plasterers	8.75				
Plumbers, steamfitters	9.40	.35	.40	.20+f	.08
Roofers:					
Composition, damp & waterproofers	8.20		.10		
Slate and tile	8.40		.10		
Kettlemen	7.80		.10		
Sheet metal workers	9.34	.47	.50		.04
Sprinkler fitters	10.10	.60	.90		.08
Truck Drivers:					
Up to 3 tons	6.46	g	e		
3 to 5 tons	6.61	g	e		
5 to 7 tons	6.76	g	e		

TN77-1038 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (Cont'd)					
Helpers and warehousemen	6.41	g	e		
Special equipment	6.96	g	e		
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $19.00 per week for each employee.

f. Paid Holiday: D-provided employee has been on payroll for (2) two weeks prior to the holiday and works the regular scheduled work days immediately preceding & following the holiday.

g. $15.00 per week for each employee.

TN77-1038 - (Cont'd)

BUILDING & HEAVY CONSTRUCTION

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.95	.20	.20		
GROUP B	6.05	.20	.20		
GROUP C	6.15	.20	.20		
GROUP D	6.25	.20	.20		
GROUP E	6.30	.20	.20		
GROUP F	6.60	.20	.20		
GROUP G	6.65	.20	.20		
GROUP H	6.35	.20	.20		
GROUP I	6.50	.20	.20		
GROUP J	6.50	.20	.20		
GROUP K	6.75	.20	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work.

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer, operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator.

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powderman, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

GROUP K: Tunnel miner, including men required to go down in pier holes drilled by machines

TN77-1038 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	8.25	.30	.25		
GROUP B	7.45	.30	.25		
GROUP C	6.85	.30	.25		
GROUP D	6.55	.30	.25		

GROUP A: Backhoes, cableways, ross carrier, clamshells, cranes, derricks, draglines, turnapulls, pans, scrapers, scoops, etc., head tower machines, endloaders, locomotives (over 20 tons), shovel, oozers, fork-lifts with over 8' lift, core drills, foundation drills, graders, mechanics, welders, winch truck with A-Frame, skimmer scoops, locomotive cranes, overhead cranes, skid rigs, pile drivers, side boom tractors, euclid loaders, derrick boat, dredge boats, hoist (any size handling steel or stone), engines used in connection with hoist material with an attached device on tower or engine, mucking-machines, ru-lifts or end loaders, finish graders on bluetop, trenching machines, cherrypickers, tower crane, skylift, gradall

GROUP B: Tractors, farm type tractors with attachments, central compressor plants, elevators used for hoisting building materials, central mixing plants, hoist, pump crete machine, concrete pumps, backfillers, (other than cranes), tracmobile, crushing plant operators, elevating graders, earth augers, forklifts, paving machines (Blacktop), paving machines (concrete), boat operator or engineer (30 tons or over), blacktop rollers, switchman, locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, engine tender other than steam, mixers (over 2 bags, not to include central plants), pumps (2 not more than 3), scarifiers, spreader box (bituminous), asphalt mixers, portable compressors (2 not more than 3), rollers, sub-grader machine, tractors (farm type without attachments), cable head tower engineman, dredge booster pump operator, boat operator or engineers (under 30 tons), finishing machine, fireman & oiler (combination), motor crane oiler & driver, welding machine (2 not more than 3), heaters, stationary or portable (to 5), compressors (portable, 2 not more than 3), greaser or fuel trucks.

GROUP D: Air compressor (1 portable), fireman, portable crushers, welding machine (1), conveyors, pumps (1), oiler, heater(1).

SUPERSEDEAS DECISION

Page 2

STATE: Tennessee COUNTY: Statewide
DECISION NUMBER: TN77-1041 DATE: Date of Publication
Supersedes Decision No.: TN77-1001 dated January 7, 1977, in 42 FR 1686
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.85				
Carpenters or leadsman	5.70				
Cement masons	5.70				
Electricians	6.60				
Ironworkers, reinforcing	5.45				
Ironworkers, structural	6.10				
Laborers:					
Laborers, unskilled, Flagman Chain saw, Concrete rubber	3.50				
Mortar mixer, Pipelayer	3.75				
Air tool operator	3.75				
Fireman	3.80				
Concrete edger	3.90				
Concrete saw operator, fence erector, guard rail erector	4.00				
Asphalt raker	4.10				
Sign erector	4.25				
Form setter, Steel road	4.55				
Powderman	4.85				
Nozzleman or gunman (gunite)	5.70				
Painters or sand blaster	5.70				
Truck drivers:					
2 & 3 axles	3.90				
4 & 5 axles or more or heavy duty off-the-road trucks.	4.60				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Pump operator, welder helper	3.65				
Ditch paver, mechanic helper	3.80				
Curb machine	3.90				
Motor crane driver, mulcher or seeder, scale operator	4.00				
Tractor, farm	4.05				
Concrete mixer, less than 1 yd Earth drill	4.10				
Track drill	4.30				
Dozer or loader - stock pile only	4.40				
Oiler, roller, other than finish	4.45				

TN77-1041 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Distributor (bituminous)	4.65				
Tractor, crawler, utility	4.70				
Spreader (self-propelled)	4.80				
Asphalt paver, central mixing (asphalt or concrete), Concrete finishing machine, mechanic, Class II, Motor patrol (rough), Roller (high-type), Soil cement machine	5.00				
Tractor - boom & hoist, trenching machine	5.15				
Bulldozer or push dozer, scraper	5.70				
Backhoe, concrete paver, Cranes and loader, Mechanic, Class I, Motor patrol finish, pile-driver, Shovel.	5.70				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO.: TX77-4070 DATE: Date of Publication
Supersedes Decision No. TX76-4169, dated October 8, 1976, in 41 FR 44662.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.38	.325	.685		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	8.75		.25		
CARPENTERS:					
Carpenters	7.70				.01
Millwrights	9.60				.04
Piledrivermen	8.30				.01
CEMENT MASONS	8.27	.25			.03
ELECTRICIANS	9.40	.40	1%		1/4%
ELEVATOR CONSTRUCTORS	9.33	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	9.75	.45	.50		.04
LABORERS, UNSKILLED	2.85				
LINE CONSTRUCTION:					
Lineman	9.80		1%		1/2%
Cable splicer	10.09		1%		1/2%
Hole digger operator, Heavy equipment operators (or pole cat equivalent); powderman	8.92		1%		1/2%
Line truck driver (winch operator)	8.04		1%		1/2%
Jackhammer man	7.35		1%		1/2%
Groundman	6.57		1%		1/2%
Groundman, 1st year	4.90		1%		1/2%
Truck driver (flat bed, ton & half & under)	6.96		1%		1/2%
PAINTERS:					
GROUP 1 - Brush	5.50				
GROUP 2 - Spray	7.60				
GROUP 3 - Painters brush working from window jacks	7.25				
GROUP 4 - Brush structural steel iron & galvanized pipe	7.50				

DECISION NO. TX77-4070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 5 - Brush structural steel iron & galvanized pipe over 40 ft. up & down to ground	$ 7.85				
GROUP 6 - Brush swinging stage & chair work	7.75				
GROUP 7 - Brush swinging stage & chair work over 40 ft. up & dwon to ground	8.00				
GROUP 8 - Spray, sandblasters & power tools	8.50				
GROUP 9 - Spray, sandblasters & power tools over 40 ft. up & down to ground	8.75				
PLUMBERS & PIPEFITTERS	10.00	.40	.55		.05
ROOFERS	4.50				
SHEET METAL WORKERS	9.065	3%+.45	.66		.055
SOFT FLOOR LAYERS	7.70				.01
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	2.45				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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DECISION NO. TX77-4070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.515	.40	.75		.10
GROUP 2	8.30	.40	.75		.10
GROUP 3	8.70	.40	.75		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; By-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: TX77-4071 DATE: Date of Publication
Supersedes Decision No. TX76-4194, dated December 28, 1976, in 41 FR 56596.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.11	.50	1.17(a)		.03
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	7.41	.57	.20		.05
CARPENTERS:					
Carpenters	7.75	.67			.02
Millwrights	8.22	.67			.02
Stationary radial arm power saw operator	7.81	.67			.02
Floor layers	7.75	.67			.02
CEMENT MASONS	6.36	.48			.03
DRYWALL:					
GROUP 1 - Tapers	7.03	.30	.10		.02
GROUP 2 - Ames tools	7.25	.30	.10		.02
GROUP 3 - Texture spray	7.73	.30	.10		.02
ELECTRICIANS:					
Electricians	9.10	.30	1%		1/2%
Cable splicers	9.35	.30	1%		1/2%
ELEVATOR CONSTRUCTORS	8.17	.545	.35	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.94	.30	.10		.02
IRONWORKERS	8.30	.55	1.00		.10
LABORERS:					
GROUP 1 - Powderman or blasterer	6.12	.42	.35		
GROUP 2 - Outside wagon drill; wagon drill tenders; miner	5.87	.42	.35		
GROUP 3 - Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	5.62	.42	.35		
GROUP 4 - Pipelayer, main sewer and drainage	5.50	.42	.35		
GROUP 5 - Jackhammer operator, asphalt raker; kettlemen; asphalt or pot man	5.37	.42	.35		
GROUP 6 - Common	5.22	.42	.35		
LATHERS	8.55				.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	$ 9.10	.30	1%		1/2%
Cable splicers	9.35	.30	1%		1/2%
Groundman	75%JR	.30	1%		1/2%
Groundman (less than 6 months)	50%JR	.30	1%		1/2%
MARBLE MASONS	6.40	.57	.20		.05
PAINTERS:					
GROUP 1 - Brush & roller, paperhanger; tapers	7.13	.30			.02
GROUP 2 - Steel after erection, steam cleaning, power driven tools	7.54	.30			.02
GROUP 3 - Spray, sandblasting, waterblasting & swing stage, stripping machine	7.835	.30			.02
GROUP 4 - Ames tools	7.35	.30			.02
GROUP 5 - Water tanks, smoke stacks, tower from 70 - 100 ft.	8.49	.30			.02
PLASTERERS	7.66	.48			.01
PLUMBERS & STEAMFITTERS	8.49	.43	.40		.05
ROOFERS:					
Roofers; Waterproofers; Pipewrappers	6.65				
SHEET METAL WORKERS	9.17	3%+.51	.385		.025
SOFT FLOOR LAYERS	6.88	.30	.10		.02
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS	6.40	.57	.20		.05
TERRAZZO WORKERS' HELPERS	4.78	.57	.20		
TILE SETTERS	6.40	.57	.20		.05
TILE SETTERS' HELPERS	4.78	.57	.20		
TRUCK DRIVERS:					
GROUP 1 - Up to and including 2 tons	3.50	.26			
GROUP 2 - Flat bed dump trucks, mechanically	3.60	.26			
GROUP 3 - Tank trucks, up to 2500 gallons	3.50	.26			

DECISION NO. TX77-4071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
GROUP 4 - Standard dump trucks, up to and including 4 cu. yds.	$ 3.60	.26			
GROUP 5 - Dump trucks, over 4 cu. yds.; Trucks over 4 tons including transit mix, all semitruck, etc.; Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - Includes $0.07 contribution to Occupational Health Fund
b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
c - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX77-4071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 6.39	.35	.40		.10
GROUP 2	6.97	.35	.40		.10
GROUP 3	7.06	.35	.40		.10
GROUP 4	7.11	.35	.40		.10
GROUP 5	7.19	.35	.40		.10
GROUP 6	7.43	.35	.40		.10
GROUP 7	7.59	.35	.40		.10
GROUP 8	7.06	.35	.40		.10
GROUP 9	7.29	.35	.40		.10
GROUP 10	7.59	.35	.40		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farm type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines; Concrete mixers, under 1 yd. & concrete batch plants, under 1 yd., gunnite & pumpcrete machine, mechanical bull floats, spreading & finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core & cable drilling; Well under 6". Hoists, scoopmobiles, A-frame Air tugger; Hydrolift, Hydrocranes, winch truck. Loaders: Elevating, belt type loader, front end loader (under 2 yds.) & over head loaders; forklift & lumber staker on construction job site. Motor man & Industrial Locomotive. Tractors under 35 HP with attachments

GROUP 3 - Concrete mixers 1 yd. & over and batch plants 1 yd. & over, single drum paving machines, Crushing plant. Drilling Machine, 6" & over; Front end loaders, 2 yds. & over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown & tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Athey & Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker & Tractors 35 HP & up & farm type tractors with backhoe & shovel type attachments

GROUP 5 - Concrete paving machines, double drum. Catcranes, Hysters, Cherry Pickers, Attachments cranes, side & swing boom tractors; Mechanic, Welder, Patrol, Finish; Grease Truck Operator (Head Oiler). Building Hoist, 1 drum. Concrete Pump (Snorkle Type Trailer Mounted)

GROUP 6 - Shovel, Backhoe, clam & dragline 3/4 yds. & under; Cranes 25 tons & under; Building Hoist, 2 drums & up. Concrete pump (Snorkle Type Truck Mounted)

GROUP 7 - Guy & stiff leg derrick, Piledrivers; Crawler or skid rig, Shovel, Backhoe, clam & dragline over 3/4 yds.; Crane over 25 tons. Pecco type cranes

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA77-5032
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. WA77-5003 dated February 11, 1977, in 42 FR 8991
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kitttias, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$11.76	.51	$ 1.10		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	11.91	.56	.95		.12
Remaining Counties	11.75	.51	.95		
BOILERMAKERS	11.60	.75	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Grand Coulee Dam area in Okanogan County	11.11	.55	.70		.04
Benton, Franklin and Walla Walla Counties	10.68	.55	.50		
Chelan, Douglas and Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.42	.65	.65		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Cont'd)					
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	$11.03	.65	.75		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Kittitas, Yakima and Klickitat (except a ten mile strip bordering the Columbia River) Counties	10.10	.65	.75		
Grays Harbor, Lewis, Mason, Thurston and northern portion of Pacific County	9.20	.55	.30		
Pierce County	10.23	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	10.35	.55	.45		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima east of the 120th Meridian)					
Carpenters	9.74	.60	.55		.055
Piledriver; Floor Sanders; Saw Filers; Sttionary Power Woodworking Tool Operator	9.89	.60	.55		.055
Shingler (wood or composition)	9.94	.60	.55		.055
Boom Men; Carpenters (Creosoted material)	9.99	.60	.55		.055
Piledriver (creosoted material)	10.14	.60	.55		.055
Millwright and Machine Erector	10.24	.60	.55		.055

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters and Drywall Applicators	$ 9.75	.50	.70		.02
Carpenters on Creosoted material	9.85	.50	.70		.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	9.88	.50	.70		.02
Millwrights and Machine Erectors	10.25	.50	.70		.02
Piledrivers; Bridge, dock and wharf builders	9.90	.50	.70		.02
Acoustical Workers	9.91	.50	.70		.02
Boommen	9.95	.50	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Strippers; Manhole Builders; Acoustical Applicators, Drywall Applicators	10.09	.55	.85	.35	.03
Piledrivermen, bridge, dock and wharf builders	10.19	.55	.85	.35	.03
FloorLayers; Floor Finishers; Stationary Power Saw Operator	10.24	.55	.85	.35	.03
Boomman	10.29	.55	.85	.35	.03
Millwrights; Machine Erectors	10.34	.55	.85	.35	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	$ 9.64	.50	.75		.04
Clallam, Grays Harbor, Island, Jefferson, King, (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	9.97	.55	.90		.01
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Cement Masons	9.87	.65	.60	.60	.10
Composition materials and power machinery	10.02	.65	.60	.60	.10
Lewis, Pierce, Thurston and the City of Auborn in King County	9.80	.55	1.00		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	12.13	.57	1%+.40		.02
Cable Splicers	12.53	.57	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	12.13	.57	1%+.40		.02
Cable Splicers	13.34	.57	1%+.40		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTICIANS: (Cont'd)					
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	$12.13	.57	1%+.40		.02
Cable Splicers	13.34	.57	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	12.70	.45	1%+.40		.03
Cable Splicers	13.97	.45	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	11.35	.65	1%+.70		.05
Cable Splicers	12.10	.65	1%+.70		.05
Cowlitz and Wahkiakum Counties					
Electricians	11.91	.65	1%	5%	.02
Cable Splicers	13.10	.65	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	11.51	.45	1%+.55	.92	.04
Cable Splicers	12.66	.45	1%+.55	.92	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	12.52	.65	1%+.40		.01
Cable Splicers	13.77	.65	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	11.95	.545	.35	4%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	4%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap Kittitas, Lewis, Mason Pacific, (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	$12.445	.545	.35	3%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	11.13	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties	9.73	.35	.10	b+.43	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	8.96	.40	.45	.58	
Adams (southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Counties	7.92	.40	.70	.57	.02
Asotin, Garfield and Whitman Counties	8.03	.31	.25	b+.28	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, (Northern portion), Pierce, San Juan, Snohomish and Thurston Counties	9.59	.30	.65	b	
Yakima and Kittitas Counties	8.76	.35	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	$ 9.75	.41	.65	6.8%	.01
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	11.00	.73	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos. Reinforcing; Structrual; Fence Erectors; Ornamental; Riggers; Signalmen	11.00	.73	1.00		.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.35	.50			
Clallam, Island, Jefferson, King, Kitsap, Lewis, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish and Whatcom Counties	10.34	.55	.50		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.30	.50	.80		.01
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	11.11	.55	.70		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS: (Cont'd)					
Benton, Franklin and Walla Walla Counties	$10.68	.55	.50		
Chelan, Douglas and Okanogan Counties (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.42	.65	.65		.08
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkaikum Counties and a ten mile strip bordering the Columbia River in Klickitat County	11.03	.65	.75		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason, Thurston and northern half of Pacific Counties	9.20	.55	.30		
Pierce County	10.23	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Wolley, Concrete and north thereof) and Whatcom Counties	10.35	.55	.45		
MARBLE, TILE and TERRAZZO WORKERS HELPERS:					
All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	8.77	.55			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	$ 8.77	.85	.95		.10
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties					
Brush	9.77	.40	.70		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	10.02	.40	.70		.02
Swing Stage work or high rate (over 30')	10.12	.40	.70		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	10.17	.40	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Brush	9.24	.55	.60	.50	.10
Spray	9.64	.55	.60	.50	.10
Bridges, High work over 50' (brush)	9.99	.55	.60	.50	.10
Bridges, High work over 50' (spray)	10.39	.55	.60	.50	.10
Drywall Finishers	10.24	.55	.40	.50	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	$ 9.98	.44	.76		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	10.23	.44	.76		.02
Clallam and Jefferson Counties					
Brush	7.50				
Spray, steel, sandblasting, and bitumastic	7.75				
Statewide except Wahkiakum, Cowlitz and Skamania Counties					
Striper	10.43	.44	.31		
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.53	.50			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	9.98	.50	.65		
Clallam, Island, Jefferson, King (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	9.90	.55	1.00		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	10.50	.55	.80		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	9.80	.55	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	$ 8.60	.65	.70		.02
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of the 119°30' W. Long.), Jefferson and Okanogan (except the area lying east of 119°30' W. Long., North to 48°30' N. Lat. Township lines) Counties	12.11	.72	1.35	1.10	.07
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas (south of 47°15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County County Line), and Okanogan (east of 119°30' west Long. and south of 48°30' N. Lat.) Counties	12.25	.65	1.15	1.20	.11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Counties	$11.60	.65	$ 1.10	$1.00	.11
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line	12.00	1.12	1.55		.13
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	8.94	.66	.50		.01
Benton, Franklin, Kittitas, Klickitat and Yakima Counties Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	9.65	.47	.30		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish Thurston and Wahkiakum Cos. Roofers; Waterproofers	9.45	.60	.40		
Slate and Tile Roofers	9.70	.60	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	$ 8.55	.50	.40		
Slate and Tile Roofers	9.05	.50	.40		
Clark and Skamania Counties					
Roofers	10.45	.65	.80		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.95	.65	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	11.20	.65	.80		
Roofers Helpers:					
Under 800 hours experience	70%JR				
800 - 1600 hours experience	75%JR				
Over 1600 hours experience	80%JR				
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	12.10	3%+.57	.825		.05
Clallam, Jefferson, Kitsap and Mason Counties	10.99	3%+.37	.82	1.50	.03
Clark and Skamania Counties	11.13	3%+.81	.93	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	12.23	3%+.56	.90		.02
King County	12.15	3%+.56	.99		.05
Island and Snohomish Counties	12.15	3%+.96	.99		.03
Whatcom, Skagit and San Juan Counties	11.18	.61	.83		.04
SOFT FLOOR LAYERS:					
Adams (N.E. portion), Ferry, Lincoln (E.½), Pend Orielle, Spokane and Stevens Counties	9.05	.40	.60		
Adams (S.E. portion), Benton, Columbia, Franklin and Walla Walla Counties	8.55	.40	.60	1.21	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS: (Cont'd)					
Adams (S.W. portion), Chelan, Douglas, Grant, Lincoln (Western ½), and Okanogan Cos.	$ 9.25	.40	.70	.35	
Asotin, Garfield, and Whitman Counties	8.67	.40	.25	.33	
Clallam, Island, Jefferson Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	9.86	.46	.75		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.435	.50	.90	c	.08
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	9.62	.46	.75		.05
Yakima and Kittitas Counties	8.94	.40	.35		
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Counties	13.81	.60	.90		.09
Remaining Counties	11.40	.60	.90		.08
TERRAZZO WORKERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Perry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.20	.55	.40		
Benton, Franklin and Walla Walla Counties	10.01	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	10.72	.65	.75		.05
Grant County and that portion of Adams County including the City of Othello	10.50	.40	/		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS: (Cont'd)					
Grays Harbor, Lewis, Mason and Thurston Counties	$ 9.20	.55	.30		
Pierce County	10.81	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	10.35	.55	.45		
TILE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.20	.55	.40		
Benton, Franklin and Walla Walla Counties	10.01	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	10.72	.65	.75		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	9.69	.50	.55		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	10.81	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Cos.	10.35	.55	.45		

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

*Where Pacific County is state as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicers, Leadman Pole Sprayer	$12.78	.45	1%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	11.54	.45	1%	.10	1/2%
Tree Trimmer	10.42	.45	1%	.10	1/2%
Line Equipment Man	9.95	.45	1%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.69	.45	1%	.10	1/2%
Groundman, Tree Trimmer Helper	8.18	.45	1%	.10	1/2%

ZONE PAY

Each classification will receive the base rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below.

ZONE B - 20 to 35 miles radius from geographical center of towns listed below.

ZONE C - 35 to 50 miles radius from geographical center of towns listed below

ZONE D - in excess of 50 miles.

Base hourly rate will be paid to all men working out of employers' permanent shop.

Spokane	Ellensburg	Asotoria	Portland	Couer D' Alene
Tacoma	Ephrata	Baker	Pendleton	Kellog
Walla Walla	Everett	Burns	Salem	Lewiston
Wenatchee	Kennewick	Bend	Roseburg	Orofino
Yakima	Longview	Eugene	The Dalles	San Point
Wilbur	Olympia	Klamath Falls	Umatilla	
Bellingham	Seattle	Lakeview	Corvallis	
		Medford		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$ 8.10	.65	.70		.02
Group 2	8.25	.65	.70		.02
Group 3	8.35	.65	.70		.02
Group 4	8.40	.65	.70		.02
Group 5	8.45	.65	.70		.02
Group 6	8.50	.65	.70		.02
Group 7	8.55	.65	.70		.02
Group 8	8.75	.65	.70		.02
Group 9:					
Class A	8.15	.65	.70		.02
Class B	8.20	.65	.70		.02
Class C	8.60	.65	.70		.02
Class D	8.65	.65	.70		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)					
Group 1	8.36	.85	.95		.06
Group 2	8.46	.85	.95		.06
Group 3	8.51	.85	.95		.06
Group 4	8.56	.85	.95		.06
Group 5	8.61	.85	.95		.06
Group 6	8.66	.85	.95		.06
Group 7	8.71	.85	.95		.06
Group 8	8.41	.85	.95		.06
Group 9	8.46	.85	.95		.06
Group 10	8.56	.85	.95		.06
Group 11	8.66	.85	.95		.06
Group 12	8.71	.85	.95		.06
Group 13	8.81	.85	.95		.06

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

1	$7.87	$8.27	$8.62	$8.87	$9.12	$9.37
2	8.22	8.62	8.97	9.22	9.47	9.72
3	8.52	8.92	9.27	9.52	9.77	10.02
4	8.77	9.17	9.52	9.77	10.02	10.27

FRINGE BENEFITS:

Health and Welfare	$ .85
Pension	.95
Vacation	.65
Apprenticeship Tr.	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)					
Group 1	$ 8.11	.85	.95		.06
Group 2	8.21	.85	.95		.06
Group 3	8.26	.85	.95		.06
Group 4	8.31	.85	.95		.06
Group 5	8.36	.85	.95		.06
Group 6	8.41	.85	.95		.06
Group 7	8.46	.85	.95		.06
Group 8:					
Class A	8.16	.85	.95		.06
Class B	8.21	.85	.95		.06
Class C	8.31	.85	.95		.06
Class D	8.41	.85	.95		.06
Class E	8.46	.85	.95		.06
Class F	8.56	.85	.95		.06

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to including clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector to (include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shanwee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

LABORERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

Group 7: Brush Machine (to include hoirzontal construction joint clean-up Bruch Machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or larger and out-of-the-hole drills with 4 inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with dual masts and Drills; Powderman

Group 9: Tunnel and Shaft, free air
Class A: Bull Gang, Pump Crete Crewman including distribution Pipe, Assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker, hand; Powderman's Helper; Sloper (over 20°); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

LABORERS (Area 2) (Cont'd)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer; Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad Spike Puller; Rakers-Asphalt

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman Sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

Tunnel Work

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including Monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers Helpers; Dumpers, road oiling crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chacer; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

LABORERS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same), Applying protective Material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, Power Spreader and similar types: Clean-up Nozzleman-Green-cutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Post Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head) hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and bucker, hand

LABORERS (Area 4) (Cont'd)
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 3: Driller Chipper; Grinder, Tampers and similar light power tools; Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler; Cask or Bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar Heavy Power Tools; Power Buggy Tampers (multiple and self-propelled)

Group 5: Form Setter, Steel Forms; Grademan; Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-timberman; Maintenance Man; Spader; Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)
(All Counties and portions of Counties East of the 120th Meridian)

Group No.	Zone 1	Zone 2	Zone 3
1	$8.70	$9.20	$9.65
2	9.00	9.50	9.95
3	9.55	10.05	10.50
4	9.70	10.20	10.65
5	9.85	10.35	10.80
6	10.10	10.60	11.05
7	10.35	10.85	11.30

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho

*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities, except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only

*ZONE 3: Over a 45 mile radius from the center of the above named Cities except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only.

POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.12	.75	.90		.11
Group 2	10.22	.75	.90		.11
Group 3	10.33	.75	.90		.11
Group 4	10.38	.75	.90		.11
Group 5	10.40	.75	.90		.11
Group 6	10.45	.75	.90		.11
Group 7	10.46	.75	.90		.11
Group 8	10.50	.75	.90		.11
Group 9	10.52	.75	.90		.11
Group 10	10.65	.75	.90		.11
Group 11	10.68	.75	.90		.11
Group 12	10.71	.75	.90		.11
Group 13	10.76	.75	.90		.11
Group 14	10.78	.75	.90		.11
Group 15	10.80	.75	.90		.11
Group 16	10.83	.75	.90		.11
Group 17	10.86	.75	.90		.11
Group 18	10.90	.75	.90		.11
Group 19	10.97	.75	.90		.11
Group 20	10.98	.75	.90		.11
Group 21	11.03	.75	.90		.11
Group 22	11.08	.75	.90		.11
Group 23	11.30	.75	.90		.11
Group 24	11.34	.75	.90		.11
Group 25	11.39	.75	.90		.11
Group 26	11.47	.75	.90		.11
Group 27	11.69	.75	.90		.11
Group 28	11.89	.75	.90		.11
Group 29	12.00	.75	.90		.11
Group 30	12.02	.75	.90		.11
Group 31	12.30	.75	.90		.11

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$9.05	$9.45	$9.80	10.05	10.30	10.55
2	9.19	9.59	9.94	10.19	10.44	10.69
3	9.29	9.69	10.04	10.29	10.54	10.79
4	9.45	9.85	10.20	10.45	10.70	10.95
5	9.47	9.87	10.22	10.47	10.72	10.97
6	9.55	9.95	10.30	10.55	10.80	11.05
7	9.61	10.01	10.36	10.61	10.86	11.11
8	9.71	10.11	10.46	10.71	10.96	11.21
9	9.77	10.17	10.52	10.77	11.02	11.27
10	9.83	10.23	10.57	10.83	11.08	11.33
11	9.85	10.25	10.60	10.85	11.10	11.35
12	9.91	10.31	10.66	10.91	11.16	11.41
13	9.99	10.39	10.74	10.99	11.24	11.49
14	10.15	10.55	10.90	11.15	11.40	11.65
15	10.31	10.71	11.06	11.31	11.56	11.81
16	10.49	10.89	11.24	11.49	11.74	11.99
17	10.63	11.03	11.38	11.63	11.88	12.13
18	10.18	11.21	11.56	11.81	12.06	12.31
19	10.95	11.35	11.70	11.95	12.20	12.45

FRINGE BENEFITS:

Health and Welfare	$1.00
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.50

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Area 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$10.04	.75	.90		.11
Group 2	10.14	.75	.90		.11
Group 3	10.48	.75	.90		.11
Group 4	10.53	.75	.90		.11
Group 5	10.58	.75	.90		.11
Group 6	10.90	.75	.90		.11
Group 7:					
(a)	11.29	.75	.90		.11
(b)	11.84	.75	.90		.11
DREDGING (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	10.04	.75	.90		.11
Group 2	10.14	.75	.90		.11
Group 3	10.48	.75	.90		.11
Group 4	10.53	.75	.90		.11
Group 5	10.58	.75	.90		.11
Group 6	10.90	.75	.90		.11
Group 7:					
(a)	11.29	.75	.90		.11
(b)	11.84	.75	.90		.11
DREDGING (Area 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	10.15	1.00	1.00	.50	.05
Group 1A	10.81	1.00	1.00	.50	.05
Group 2	9.79	1.00	1.00	.50	.05
Group 3	9.55	1.00	1.00	.50	.05
Group 4	9.29	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hot; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Posts (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (Overhead and Front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator, Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one Scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Pile-driving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 gons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (overhead and Front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (Overhead and Front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotive (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drott Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and Overhead and Front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed Man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operating (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame Trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (Core, Cable Rotary and Exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (Mole, Tunnel Drill, and/or Shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as Backhoes, Rubber-tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type(over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feeder-man; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hygrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled.

Group 7: Roller(any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Bound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS (Area 3)
(DREDGING)

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$ 9.28	$ 1.02	.75		
Group 2	9.32	1.02	.75		
Group 3	7.38	1.02	.75		
Group 4	9.47	1.02	.75		
Group 5	9.68	1.02	.75		
Group 6	9.72	1.02	.75		
Group 7	9.78	1.02	.75		
Group 8	9.82	1.02	.75		
Group 9	9.93	1.02	.75		
Group 10	9.97	1.02	.75		
Group 11	10.28	1.02	.75		
Group 12	10.42	1.02	.75		
Group 13	10.58	1.02	.75		
Group 14	10.72	1.02	.75		
TRUCK DRIVERS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	10.34	.80	.65		.09
Group 2	10.39	.80	.65		.09
Group 3	10.44	.80	.65		.09
Group 4	10.55	.80	.65		.09
Group 5	10.61	.80	.65		.09
Group 6	10.65	.80	.65		.09
Group 7	10.66	.80	.65		.09
Group 8	10.72	.80	.65		.09
Group 9	10.77	.80	.65		.09
Group 10	10.79	.80	.65		.09
Group 11	10.82	.80	.65		.09
Group 12	10.92	.80	.65		.09
Group 13	10.94	.80	.65		.09
Group 14	10.98	.80	.65		.09
Group 15	11.10	.80	.65		.09
Group 16	11.14	.80	.65		.09
Group 17	11.26	.80	.65		.09
Group 18	11.31	.80	.65		.09
Group 19	11.47	.80	.65		.09
Group 20	11.63	.80	.65		.09
Group 21	11.79	.80	.65		.09

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$9.23	$9.63	$9.98	10.23	10.48	10.73
2	9.28	9.68	10.03	10.28	10.53	10.78
3	9.33	9.73	10.08	10.33	10.58	10.83
4	9.38	9.78	10.13	10.38	10.63	10.88
5	9.43	9.83	10.18	10.43	10.68	10.93
6	9.53	9.93	10.28	10.53	10.78	11.03
7	9.63	10.03	10.38	10.63	10.88	11.13
8	9.73	10.13	10.48	10.73	10.98	11.23
9	9.83	10.23	10.58	10.83	11.08	11.33
10	10.00	10.40	10.75	11.00	11.25	11.50
11	10.10	10.50	10.85	11.10	11.35	11.60
12	10.20	10.60	10.95	11.20	11.45	11.70
13	10.30	10.70	11.05	11.30	11.55	11.80
14	10.40	10.80	11.15	11.40	11.65	11.90

FRINGE BENEFITS:

Health and Welfare	$ .68
Pension	.65
Vacation	.55
Apprenticeship Tr.	.05

Wage Wage Scale (Area 3)

LABORERS: Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS: Astoria, Goldendale, Hood River, Longview The Dalles and Vancouver

TRUCK DRIVERS: Astoria, Goldendale, Longview, the Dalles and Vancouver

ZONE A: All jobs or projects located within 10 miles of the respective City Hall
ZONE B: More than 10 miles but less than 25 miles from the CityHall
ZONE C: More than 25 miles but less than 35 miles from the respective City Hall
ZONE D: More than 35 miles but less than 45 miles from the City Hall
ZONE E: More than 45 miles but less than 74 miles from the respective City Hall
ZONE F: More than 75 miles from the respective City Hall

TRUCK DRIVERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeebaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (56 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

TRUCK DRIVERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

TRUCK DRIVERS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 6: Transit-mix, 0 to and including 41 yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

[FR Doc.77-9460 Filed 3-31-77;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF MARCH 4, 1977

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not concide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 25th day of March 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #AL76-1082 (Hw)(Excluding Airport Construction)
41 FR 32108 - 7/30/76
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(D,Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
Mod. #2 - 41 FR 52175 - 11/26/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
Decision #AL76-1125 (B)
41 FR 47713 - 10/29/76
Mod. #1 - 42 FR 8925 - 2/11/77
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741 - 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 32101 - 7/30/76
Mod. #4 - 41 FR 40369 - 9/17/76
Mod. #5 - 42 FR 987 - 1/4/77
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL77-1007 (B)
42 FR 5619 - 1/28/77
Mod. #1 - 42 FR 12563 - 3/4/77
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision # AL77-1025 (B)
42 FR 12577 - 3/4/77
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL77-1006 (B)
42 FR 5618 - 1/28/77
Mod. #1 - 42 FR 12563 - 3/4/77
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1124 (B)
41 FR 47719 - 10/29/76
Mod. #1 - 41 FR 55260 - 12/17/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #AL76-1138 (B)
41 FR 53241 - 12/3/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
Mod. #2 - 41 FR 33125 - 8/6/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK77-5009 (B,H,Hw,D,R)
42 FR 4074 - 1/21/77
Mod. #1 - 42 FR 10201 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77

ARIZONA

STATEWIDE
Decision #AZ76-5109 (B,H,Hw)
41 FR 52189 - 11/26/76
Mod. #1 - 42 FR 10201 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian
Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5110 (R)
41 FR 52198 - 11/26/76
Mod. #1 - 42 FR 10204 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5111 (R)
41 FR 52204 - 11/26/76
Mod. #1 - 42 FR 10205 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR76-4111 (Construction Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
41 FR 27547 - 7/2/76
Mod. #1 - 41 FR 29606 - 7/16/76
Decision #AR76-5090 (D)
41 FR 44609 - 10/8/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLARK COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLEBURNE COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4130 (B)
41 FR 30509 - 7/23/76
Mod. #1 - 41 FR 43557 - 10/1/76
Mod. #2 - 41 FR 52175 - 11/26/76
Mod. #3 - 42 FR 3133 - 1/4/77
Mod. #4 - 42 FR 7015 - 2/4/77
Mod. #5 - 42 FR 11183 - 2/25/77
Mod. #6 - 42 FR 12564 - 3/4/77
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR77-4018 (B)
42 FR 7040 - 2/4/77
Mod. #1 - 42 FR 11183 - 2/25/77
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4133 (D)
41 FR 30513 - 7/23/76
Mod. #1 - 41 FR 47715 - 10/29/76
Mod. #2 - 41 FR 52176 - 11/19/76
Mod. #3 - 42 FR 7015 - 2/4/77
Mod. #4 - 42 FR 8925 - 2/11/77
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR77-4034 (B)
42 FR 10223 - 2/18/77
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4129 (B)
41 FR 30507 - 7/23/76
Mod. #1 - 41 FR 52175 - 11/26/76
Mod. #2 - 42 FR 7015 - 2/4/77
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(B) - See Crawford County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5101 (B,H,Hw,D)
41 FR 51255 - 11/19/76
Mod. #1 - 42 FR 7016 - 2/4/77
Decision #CA76-5102 (R)
41 FR 51272 - 11/19/76
Mod. #1 - 42 FR 7019 - 2/4/77
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5120 (B,D,H,Hw)
41 FR 56556 - 12/28/76
Mod. #1 - 42 FR 4061 - 1/21/77
Mod. #2 - 42 FR 7022 - 2/4/77
Decision #CA76-5121 (R)
41 FR 56566 - 12/28/76
Mod. #1 - 42 FR 4061 - 1/21/77
Mod. #2 - 42 FR 7024 - 2/4/77
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5116 (B,H,Hw,D)
41 FR 54115 - 12/10/76
Mod. #1 - 42 FR 8926 - 2/11/77

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA76-5117 (R)
41 FR 54122 - 12/10/76
Mod. #1 - 42 FR 8929 - 2/11/77
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #C076-5067 (Hw)
41 FR 32115 - 7/30/76
Mod. #1 - 41 FR 46806 - 10/22/76
Mod. #2 - 41 FR 52176 - 11/26/76
ADAMS COUNTY
Decision #C076-5104 (B,H)
41 FR 52209 - 11/26/76
Decision #C075-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #C076-5107 (B,H)
41 FR 53242 - 12/3/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #C076-5105 (B,H)
41 FR 52219 - 11/26/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #C076-5106 (B,H)
41 FR 52225 - 11/26/76
Mod. #1 - 41 FR 56549 - 12/28/76
Mod. #2 - 42 FR 12564 - 3/4/77
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2172 (B,H,Hw,R)
41 FR 56574 - 12/28/76
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
HARTFORD COUNTY
Decision #CT76-2067 (R)
40 FR 18304 - 4/25/75
Decision #CT76-2173 (B,H,Hw)
41 FR 56581 - 12/28/76
(B,H,Hw,R) - See Fair Field County
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #CT76-2109 (R)
41 FR 38705 - 9/10/76
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #DE76-3212 (B,H,Hw)
41 FR 32122 - 7/30/76
Mod. #1 - 41 FR 35318 - 8/20/76
Mod. #2 - 41 FR 40371 - 9/17/76
Mod. #3 - 41 FR 43560 - 10/1/76
Mod. #4 - 41 FR 47715 - 10/29/76
Mod. #5 - 42 FR 8931 - 2/11/77
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Mod. #2 - 42 FR 10206 - 2/18/77
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Entire County)
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
Decision #FL76-1105 (R)
41 FR 40365 - 9/17/76
(Cape Kennedy, Kennedy Space Flight Center and Patrick AFB only)
Decision #FL77-1023 (B,H,Hw)
42 FR 11191 - 2/25/77
(Remainder of County)
Decision #FL76-1108 (B)
41 FR 43555 - 10/1/76
Decision #FL76-1082 (Hw)
41 FR 41360 - 9/5/76
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL77-1015 (B,H)
42 FR 10224 - 2/18/77
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Mod. #2 - 41 FR 53229 - 12/3/76
Mod. #3 - 42 FR 12564 - 3/4/77
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1102 (H)
41 FR 40365 - 9/17/76
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Mod. #1 - 41 FR 37474 - 9/3/76
Mod. #2 - 41 FR 54101 - 12/10/76

FLORIDA (Cont'd.)

DADE COUNTY (Cont'd.)
42 FR 4081 - 1/21/77
Decision #FL77-1003 (R)
42 FR 4081 - 1/21/77
Decision #FL76-1141 (Hw)
41 FR 56589 - 12/28/76
DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1098 (R)
41 FR 37469 - 9/3/76
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
Mod. #1 - 41 FR 51237 - 11/19/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1133 (B)
41 FR 52233 - 11/26/76
Mod. #1 - 41 FR 54101 - 12/10/76
Mod. #2 - 42 FR 3133 - 1/14/77
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL77-1004 (R)
42 FR 3141 - 1/14/77
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 37473 - 9/3/76
(Hw) - See Brevard Co. (Remainder of Co.)
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL76-1135 (B)
41 FR 52234 - 11/26/76
Mod. #1 - 41 FR 55260 - 12/17/76
Mod. #2 - 42 FR 3133 - 1/14/77
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL77-1024 (B)
42 FR 11193 - 2/25/77
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY
(D) - See Brevard County (Entire County)
(Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Only)
(B,H,Hw) - See Brevard County (Cape Kennedy etc.)
(Remainder of County)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
Mod. #2 - 41 FR 46809 - 10/22/76
Mod. #3 - 42 FR 8931 - 2/11/77
Mod. #4 - 42 FR 10206 - 2/18/77
(Hw) - See Brevard County
(Remainder of County)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/76
Mod. #3 - 41 FR 7888 - 2/20/76
Mod. #4 - 42 FR 7025 - 2/4/77
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
Decision #GA76-1122 (B)
41 FR 46803 - 10/22/76
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA77-1009 (B)
42 FR 5623 - 1/28/77
Mod. #1 - 42 FR 8932 - 2/11/77
Mod. #2 - 42 FR 11183 - 2/25/77
(Hw) - See Statewide
(R) - See Bryan County

GEORGIA (Cont'd.

CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Mod. #5 - 41 FR 24833 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA77-1005 (B)
42 FR 5621 - 1/28/77
Mod. #1 - 42 FR 10206 - 2/18/77
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(R) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 30500 - 7/23/76
Mod. #4 - 42 FR 3313 - 1/14/77
Mod. #5 - 42 FR 11183 - 2/25/77
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
Decision #GA76-1123 (B)
41 FR 46804 - 10/22/76
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76

GEORGIA (Cont'd.

LAURENS COUNTY
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1119 (B)
41 FR 45800 - 10/15/76
Mod. #1 - 42 FR 5613 - 1/28/77
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County

GEORGIA (Cont'd.)

TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI77-5030 (B,H,Hw,D,R)
42 FR 12579 - 3/4/77

IDAHO

STATEWIDE
Decision #ID77-5023 (B,H,Hw)
42 FR 11195 - 2/25/77
ADA COUNTY
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2120 (B)
41 FR 43570 - 10/1/76
Mod. #1 - 42 FR 12565 - 3/4/77
Decision #IL76-2149 (H,Hw)
41 FR 54128 - 12/10/76
Mod. #1 - 42 FR 3135 - 1/14/76
Mod. #2 - 42 FR 7025 - 2/4/77
Mod. #3 - 42 FR 10210 - 2/18/77
ALEXANDER COUNTY
Decision #IL76-2132 (B)
41 FR 47729 - 10/29/76
Mod. #1 - 41 FR 55262 - 12/17/76
Mod. #2 - 42 FR 10207 - 2/18/77
Mod. #3 - 42 FR 12566 - 3/4/77
Decision #IL76-2154 (H,Hw)
41 FR 53256 - 12/3/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 42 FR 10210 - 2/18/77
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL77-2018 (H,Hw)
42 FR 10228 - 2/18/77
Decision #IL76-2080 (B)
41 FR 34475 - 8/13/76
Mod. #1 - 42 FR 4062 - 1/21/77
BOONE COUNTY
Decision #IL76-2133 (B)
41 FR 46831 - 10/22/76
Mod. #1 - 42 FR 5614 - 1/28/77
Mod. 2 - 42 FR 12567 - 3/4/77
Decision #IL76-2141 (H,Hw)
41 FR 47733 - 10/29/76
Mod. #1 - 42 FR 7027 - 2/4/77
Mod. #2 - 42 FR 10208 - 2/18/77
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2125 (B)
41 FR 44620 - 10/8/76
Mod. #1 - 42 FR 5614 - 1/28/77
Mod. #2 - 42 FR 12565 - 3/4/77
Decision #IL76-2142 (H,Hw)
41 FR 50126 - 11/12/76
Mod. #1 - 42 FR 10208 - 2/18/77

ILLINOIS (Cont'd.)

CALHOUN COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
Decision #IL76-2129 (B)
41 FR 44625 - 10/8/76
Mod. #1 - 42 FR 3135 - 1/14/77
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2121 (B)
41 FR 43573 - 10/1/76
Mod. #1 - 42 FR 1679 - 1/7/77
Mod. #2 - 42 FR 7026 - 2/4/77
Decision #IL76-2145 (H,Hw)
41 FR 53251 - 12/3/76
Mod. #1 - 42 FR 1679 - 1/7/77
Mod. #2 - 42 FR 4062 - 1/21/77
Mod. #3 - 42 FR 10210 - 2/18/77
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2128 (B)
41 FR 46823 - 10/22/76
Mod. #1 - 42 FR 4063 - 1/21/77
Mod. #2 - 42 FR 10207 - 2/18/77
CLARKE COUNTY
Decision #IL77-2030 (B)
42 FR 12584 - 3/4/77
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2153 (H,Hw)
41 FR 52253 - 11/26/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 42 FR 4063 - 1/21/77
Mod. #3 - 42 FR 10210 - 2/18/77
Mod. #4 - 42 FR 12567 - 3/4/77
(B) - See Clarke County
CLINTON COUNTY
(B,H,Hw) - See Bond County
COLES COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2122 (B,H,Hw,R)
41 FR 43576 - 10/1/76
Mod. #1 - 42 FR 987 - 1/4/77
Mod. #2 - 42 FR 5613 - 1/28/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CRAWFORD COUNTY
(H,Hw) - See Statewide
(B) - See Clarke County

ILLINOIS

CUMBERLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2123 (B,R)
41 FR 44612 - 10/8/76
Mod. #1 - 41 FR 51237 - 11/19/76
Mod. #2 - 42 FR 5613 - 1/28/77
Mod. #3 - 42 FR 7026 - 2/4/77
Mod. #4 - 42 FR 12565 - 3/4/77
EDGAR COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
EDWARDS COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2124 (B)
41 FR 44616 - 10/8/76
Mod. #1 - 42 FR 5614 - 1/28/77
Decision #IL76-2143 (H,Hw)
41 FR 50133 - 11/12/76
Mod. #1 - 42 FR 10209 - 2/18/77
FRANKLIN COUNTY
(B,H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL77-2029 (B)
42 FR 11206 - 2/25/77
Decision #IL76-2144 (H,Hw)
41 FR 52247 - 11/26/76
Mod. #1 - 42 FR 10209 - 2/18/77
GALLATIN COUNTY
(B,H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(B,H,Hw) - See Alexander County
HENDERSON COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County

ILLINOIS (Cont'd.)

HENRY COUNTY
(B) - See Rock Island County
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County
JACKSON COUNTY
(B,D,H,Hw) - See Alexander County
JASPER COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
JEFFERSON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
JERSEY COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(B,H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2126 (B)
41 FR 44630 - 10/8/76
Mod. #1 - 42 FR 3135 - 1/14/77
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MC LEAN COUNTY
Decision #IL76-2127 (B)
41 FR 44627 - 10/8/76
Mod. #1 - 41 FR 52178 - 11/26/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2078 (B,R)
41 FR 34492 - 8/13/76
Mod. #1 - 42 FR 4062 - 1/21/77

ILLINOIS (Cont'd.)

MADISON COUNTY (Cont'd.)
(D) - See Alexander County
(H,Hw) - See Bond County
MARION COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(B,D,H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
MONROE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(B,H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
Mod. #2 - 42 FR 7025 - 2/4/77
(H,Hw) - See Fulton County
PERRY COUNTY
(B,H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(B,D,H,Hw) - See Alexander County
PULASKI COUNTY
(B,D,H,Hw) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(B) - See Bond County
(H,Hw,D) - See Alexander County.

ILLINOIS (Cont'd)

RICHLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2130 (B)
41 FR 47724 - 10/29/76
Mod. #1 - 42 FR 7026 - 2/4/77
Mod. #2 - 42 FR 12566 - 3/4/77
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County
SALINE COUNTY
(B,H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2131 (B,R)
41 FR 46829 - 10/22/76
Mod. #1 - 42 FR 3135 - 1/14/77
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(B,D,H,Hw) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WARREN COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(B,H,Hw) - See Bond County
WAYNE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WHITE COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County

ILLINOIS (Cont'd.)

WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(B,H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN76-2148 (H,Hw)
41 FR 47755 - 10/29/76
Mod. #1 - 41 FR 51238 - 11/19/76
Mod. #2 - 42 FR 54104 - 12/10/76
Mod. #3 - 42 FR 7028 - 2/4/77
ADAMS COUNTY
Decision #IN77-2017 (B)
42 FR 8920 - 2/11/77
Mod. #1 - 42 FR 12568 - 3/4/77
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN77-2006 (B)
42 FR 7046 - 2/4/77
Mod. #1 - 42 FR 10211 - 2/18/77
Mod. #2 - 42 FR 12568 - 3/4/77
Decision #IN77-2007 (R)
42 FR 8940 - 2/11/77
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
Decision #IN77-2009 (B)
42 FR 8910 - 2/11/77
(H,Hw) - See Statewide
CLAY COUNTY
Decision #IN77-2020 (R)
42 FR 10196 - 2/18/77
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
Decision #IN77-2021 (R)
42 FR 10196 - 2/18/77
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(D) - See Clarke County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
Decision #IN77-2008 (B)
42 FR 8998 - 2/11/77
Mod. #1 - 42 FR 12568 - 3/4/77
(H,Hw) - See Statewide
DEKALB COUNTY
Decision #IN77-2010 (R)
42 FR 8912 - 2/11/77
(B) - See Adams County
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
Decision #IN77-2022 (R)
42 FR 10197 - 2/18/77
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(B,D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
Decision #IN77-2023 (R)
42 FR 10197 - 2/18/77
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
Decision #IN77-2024 (R)
42 FR 10198 - 2/11/77
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #IN77-2011 (R)
42 FR 8912 - 2/11/77
(B) - See Boone County
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
HARRISON COUNTY
(B,D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

HUNTINGTON COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
JACKSON COUNTY
Decision #IN77-2012 (R)
42 FR 8913 - 2/11/77
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide
(B) - See Adams County
JEFFERSON COUNTY
Decision #IN77-2013 (R)
42 FR 8913 - 2/11/77
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
Decision #IN77-2014 (R)
42 FR 8914 - 2/11/77
(B) - See Boone County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2147 (B,H,Hw)
41 FR 47747 - 10/29/76
Mod. #1 - 41 FR 51238 - 11/19/76
Mod. #2 - 41 FR 54103 - 12/10/76
Mod. #3 - 42 FR 7027 - 2/4/77
Mod. #4 - 42 FR 10211 - 2/18/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
Mod. #3 - 42 FR 12568 - 3/4/77
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
Decision #IN77-2025 (R)
42 FR 10198 - 2/18/77
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
Decision #IN77-2026 (R)
42 FR 10199 - 2/18/77
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
Decision #IN77-2027 (B)
42 FR 10199 - 2/18/77
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(B) - See Boone County
(H,Hw) - See Statewide

INDIANA (Cont'd)

SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARK COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
Decision #IN77-2028 (R)
42 FR 10200 - 2/18/77
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
Decision #IN77-2015 (R)
42 FR 8914 - 2/11/77
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(B) - See Adams County
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
Decision #IA76-4120 (H,Hw)
41 FR 30481 - 7/23/76
ADAMS COUNTY
(H,Hw) - See Adair County
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA77-4042 (H,Hw)
42 FR 11211 - 2/25/77
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA77-4041 (Hw)
42 FR 11210 - 2/25/77
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
Mod. #1 - 41 FR 33127 - 8/6/76
Mod. #2 - 41 FR 38708 - 9/10/76
Mod. #3 - 41 FR 44594 - 10/8/76
Mod. #4 - 41 FR 56549 - 12/28/76
Mod. #5 - 42 FR 8932 - 2/11/77
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
Decision #IA76-4121 (H,Hw)
41 FR 30482 - 7/23/76
BUENA VISTA COUNTY
None
BUTLER COUNTY
Decision #IA76-4122 (H,Hw)
41 FR 30483 - 7/23/76
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Buchanan County
CERRO GORDO COUNTY (MASON CITY)
Decision #IA77-4004 (B,H,Hw)
42 FR 4082 - 1/21/77
Mod. #1 - 42 FR 10211 - 2/18/77
(H,Hw) - See Butler Co. (Excl Mason City)
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
(H,Hw) - See Adair County

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4145 (B,H,Hw)
41 FR 38711 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 41 FR 51239 - 11/19/76
Mod. #4 - 41 FR 56560 - 12/26/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordance Plant
Decision #IA76-4146 (B,H,Hw)
41 FR 38713 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 41 FR 51240 - 11/19/76
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4147 (B,H,Hw)
41 FR 38716 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 42 FR 4064 - 1/21/77
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41 FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4184 (Channel Stabilization)
41 FR 53259 - 12/3/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
Mod. #1 - 41 FR 51239 - 11/19/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4148 (B,H,Hw)
41 FR 38719 - 9/10/76
Mod. #1 - 41 FR 48984 - 11/5/76
Mod. #2 - 42 FR 5615 - 1/28/77
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4149 (B,H,Hw)
41 FR 38722 - 9/10/76
Mod. #1 - 41 FR 48985 - 11/5/76
Mod. #2 - 42 FR 5615 - 1/28/77

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Fremont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Fremont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4150 (B,H,Hw)
41 FR 40393 - 9/17/76
Mod. #1 - 42 FR 4064 - 1/21/77
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA76-4185 (B,H,Hw)
41 FR 51285 - 11/19/76
Mod. #1 - 42 FR 4064 - 1/21/77
Mod. #2 - 42 FR 10211 - 2/18/77
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4172 (B,H,Hw)
41 FR 45802 - 10/15/76
Mod. #1 - 41 FR 48985 - 11/5/76
Mod. #2 - 41 FR 51239 - 11/19/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4173 (B,H,Hw)
41 FR 45805 - 10/15/76
Mod. #1 - 42 FR 4064 - 1/21/77
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4174 (B,H,Hw)
41 FR 45808 - 10/15/76
Mod. #1 - 41 FR 51240 - 11/19/76
Mod. #2 - 42 FR 4064 - 1/21/77
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4175 (B)
41 FR 45811 - 10/15/76
Mod. #1 - 41 FR 56550 - 12/28/76
(Chann. Stab.) - See Freemont Co.
(H,Hw) - See Harrison County
WORTH COUNTY
(H,Hw) - See Butler County
WRIGHT COUNTY
(H,Hw) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS77-4025 (Hw, W&S)
42 FR 10235 - 2/18/77
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS77-4024 (Hw, W&S)
42 FR 10234 - 2/18/77
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CASS COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS77-4050 (Hw)
42 FR 12589 - 3/4/77
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #KS77-4019 (R)
42 FR 7056 - 2/4/77
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO76-4177 (B,H,Hw)
41 FR 50139 - 11/12/76
Mod. #1 - 41 FR 54105 - 12/10/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
Mod. #2 - 41 FR 54104 - 12/10/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS77-4049 (B)
42 FR 11219 - 2/25/77
(D) - See Atchison County
(Hw) - See Douglas County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County
RAY COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #KS77-4047 (R)
42 FR 11212 - 2/25/77
Decision #KS77-4020 (B)
42 FR 7057 - 2/4/77
Mod. #1 - 42 FR 11184 - 2/25/77
Decision #KS77-4023 (Hw, W&S)
42 FR 10233 - 2/18/77
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Mod. #1 - 41 FR 44595 - 10/8/76
Decision #KS77-4048 (R)
42 FR 11216 - 2/25/77
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY76-1093 (R)
41 FR 37472 - 9/3/76
Decision #KY76-1112 (H,Hw)
41 FR 43579 - 10/1/76
ALLEN COUNTY
Decision #KY76-1128 (H,Hw)
41 FR 50144 - 11/12/76
Mod. #1 - 41 FR 54106 - 12/10/76
ANDERSON COUNTY
Decision #KY76-1114 (H,Hw)
41 FR 44633 - 10/8/76
BALLARD COUNTY
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY76-1092 (R)
41 FR 37471 - 9/3/76
Decision #KY76-1113 (H,Hw)
41 FR 43582 - 10/1/76
Decision #KY76-1086 (B)
41 FR 36384 - 8/27/76
Mod. #1 - 41 FR 45887 - 10/15/76
Mod. #2 - 42 FR 988 - 1/4/77
Mod. #3 - 42 FR 5615 - 1/28/77
Mod. #4 - 42 FR 11185 - 2/25/77
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY76-1110 (B)
41 FR 42113 - 9/24/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 48985 - 11/5/76
Mod. #3 - 41 FR 51241 - 11/19/76
Mod. #4 - 42 FR 988 - 1/4/77
(D) - See Ballard County
(H,Hw) - See Anderson County
BOYLE COUNTY
Decision #KY76-1096 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BREATHITT COUNTY (Cont'd.)
Decision #KY76-1101 (R)
41 FR 40366 - 9/17/76
BRECKINRIDGE COUNTY
Decision #KY76-1080 (R)
41 FR 30532 - 7/23/76
Mod. #1 - 41 FR 38709 - 9/10/76
(H,Hw) - See Anderson County
(D) - See Ballard County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Statewide
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
CARTER COUNTY
Decision #KY76-1111 (R)
41 FR 43456 - 10/1/76
(H,Hw) - See Anderson County
CASEY COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
Decision #KY76-1091 (B)
41 FR 37470 - 9/3/76
Mod. #1 - 41 FR 51241 - 11/19/76
Mod. #2 - 42 FR 5616 - 1/28/77
Mod. #3 - 42 FR 11185 - 2/25/77
Decision #KY76-1118 (R)
41 FR 45801 - 10/15/76
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
Decision #KY76-1097 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Adair County
CLINTON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
CUMBERLAND COUNTY
(H,Hw,R) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 43560 - 10/1/76

KENTUCKY (Cont'd)

DAVIESS COUNTY (Cont'd.)
Decision #KY76-1136 (R)
41 FR 53260 - 12/3/76
(D) - See Ballard County
(H,Hw) - See Allen County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
FAYETTE COUNTY
Decision #KY77-1010 (B)
42 FR 8941 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1132 (B)
41 FR 52260 - 11/26/76
Mod. #1 - 42 FR 988 - 1/4/77
Mod. #2 - 42 FR 7030 - 2/4/77
Mod. #3 - 42 FR 11186 - 2/25/77
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
R(R) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
GRANT COUNTY
(H,Hw) - See Anderson County
(R) - See Boone County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw,R) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
HARLAN COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw,R) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
Mod. #1 - 41 FR 43560 - 10/1/76
Mod. #2 - 41 FR 45787 - 10/15/76
Mod. #3 - 41 FR 53230 - 12/3/76
Mod. #4 - 42 FR 11185 - 2/25/77
(H,Hw) - See Allen County
(D) - See Ballard County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1129 (B)
41 FR 52257 - 11/26/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 41 FR 56550 - 12/28/76
Mod. #3 - 42 FR 10212 - 2/18/77
Mod. #4 - 42 FR 12568 - 3/4/77
(D) - See Ballard County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Boone County
KNOTT COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
KNOX COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
LARUE COUNTY
(R) - See Adair County
(H,Hw) - See Anderson County
LAUREL COUNTY
Decision #KY77-1002 (R)
42 FR 1684 - 1/7/77
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LETCHER COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LEWIS COUNTY
(R) - See Carter County
LINCOLN COUNTY
(R) - See Boyle County
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY77-1011 (B)
42 FR 8944 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
(D) - See Ballard County
(H,Hw) - See Allen County

KENTUCKY (Cont'd.)

McCREARY COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Ballard County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw,R) - See Adair County
MONROE COUNTY
(H,Hw,R) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(R) - See Clay County
(H,Hw) - See Adair County
PENDLETON COUNTY
(B,H,Hw,R) - See Boone County
(D) - See Ballard County
PERRY COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
(R) - See Clay County
ROBERTSON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
ROWAN COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
RUSSELL COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(R) - See Adair County
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
WARREN COUNTY
Decision #KY76-1077 (B)
41 FR 30625 - 7/23/76
Mod. #1 - 41 FR 35323 - 8/20/76
Mod. #2 - 41 FR 45787 - 10/15/76
Mod. #3 - 41 FR 55263 - 12/17/76
Mod. #4 - 42 FR 5615 - 1/28/77
Mod. #5 - 42 FR 10212 - 2/18/77
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
(R) - See Laurel County
WOLFE COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #LA77-4052 (B,Hw,R)
42 FR 12593 - 3/4/77
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
(F) - See Acadia Parish
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #LA77-4030 (R)
42 FR 10237 - 2/18/77
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #LA77-4031 (R)
42 FR 10237 - 2/18/77
(B,D,Hw) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd.

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd.

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
Decision #ME76-2159 (Hw)
41 FR 52173 - 11/26/76
ARDOSTOOK COUNTY
Decision #ME76-2156 (Hw)
41 FR 52171 - 11/26/76
CUMBERLAND COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
(Hw) - See Aroostook County
FRANKLIN COUNTY
(Hw) - See Androscoggin County
HANCOCK COUNTY
Decision #ME76-2166 (Hw)
41 FR 53227 - 12/3/76
(D) - See Cumberland County
KENNEBEC COUNTY
(Hw) - See Androscoggin County
KNOX COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
LINCOLN COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
OXFORD COUNTY
(Hw) - See Androscoggin County
PENOBSCOT COUNTY
(Hw) - See Aroostook County
PISCATAQUIS COUNTY
(Hw) - See Androscoggin County
SAGADAHOC COUNTY
(D) - See Cumberland County
(Hw) - See Aroostook County
SOMERSET COUNTY
(Hw) - See Androscoggin County
WALDO COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
WASHINGTON COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
YORK COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County

MARYLAND

ALLEGANY COUNTY
Decision #MD77-3020 (B)
42 FR 3151 - 1/14/77
Decision #MD77-3021 (H,Hw)
42 FR 3153 - 1/14/77
ANNE ARUNDEL COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #MD77-3019 (B,H)
42 FR 3147 - 1/14/77
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD77-3018 (Hw)
42 FR 3145 - 1/14/77
Decision #MD77-3017 (B,H)
42 FR 3142 - 1/14/77
Mod. #1 - 42 FR 10213 - 2/18/77
Mod. #2 - 42 FR 11186 - 2/25/77
(D) - See Anne Arundel County
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(D) - See Anne Arundel County
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(D) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City

(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
MONTGOMERY COUNTY
Decision #MD76-3285 (B)
41 FR 51308 - 11/19/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #MD77-3036 (R)
42 FR 12613 - 3/4/77
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Anne Arundel County
(Hw) - See Caroline County
Decision #MD77-3035 (B)
42 FR 12613 - 3/4/77

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA76-2095 (B,H,Hw, & Marine)
41 FR 34501 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Mod. #2 - 41 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BERKSHIRE COUNTY
Decision #MA76-2096 (B,H,Hw)
41 FR 34505 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Mod. #2 - 41 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
BRISTOL COUNTY
Decision #MA76-2097 (B,H,Hw,R & Marine)
41 FR 34509 - 8/13/76
Mod. #1 - 41 FR 45789 - 10/15/76
Mod. #2 - 42 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B,H,Hw, & Marine)
41 FR 34514 - 8/13/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 51241 - 11/19/76
Mod. #3 - 41 FR 55266 - 12/17/76
Mod. #4 - 42 FR 7031 - 2/4/77
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2099 (B,H,Hw)
41 FR 34519 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
HAMPDEN COUNTY
Decision #MA76-2100 (B,H,Hw)
41 FR 34522 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B,H,Hw)
41 FR 35369 - 8/20/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
MIDDLESEX COUNTY
Decision #MA76-2102 (B,H,Hw, R, & Marine)
41 FR 37479 - 9/3/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
(D) - See Barnstable County

MASSACHUSETTS

NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #MA76-2103 (B,H,Hw,R)
41 FR 35373 - 8/20/76
Mod. #1 - 41 FR 46814 - 10/22/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 7032 - 2/4/77
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA76-2104 (B,H,Hw,R)
41 FR 37485 - 9/3/76
Mod. #1 - 41 FR 46815 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 7032 - 2/4/77
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #MA76-2105 (B,H,Hw,D,R, & Marine)
41 FR 35377 - 8/20/76
Mod. #1 - 41 FR 46815 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 7032 - 2/4/77
(D) - See Barnstable County
WORCESTER COUNTY
Decision #MA76-2106 (B,H,Hw,R)
41 FR 37490 - 9/3/76
Mod. #1 - 41 FR 46816 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 3136 - 1/14/77
Mod. #4 - 42 FR 7032 - 2/4/77

MICHIGAN

STATEWIDE
Decision #MI76-2140 (Hw, W&S)
41 FR 51318 - 11/19/76
Mod. #1 - 41 FR 54107 - 12/10/76
Mod. #2 - 42 FR 1681 - 1/7/77
ALCONA COUNTY
Decision #MI76-2135 (B,H)
41 FR 47766 - 10/29/76
Mod. #1 - 42 FR 8934 - 2/11/77
Mod. #2 - 42 FR 11186 - 2/18/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2136 (B,H)
41 FR 47771 - 10/29/76
Mod. #1 - 42 FR 8935 - 2/11/77
Mod. #2 - 42 FR 11186 - 2/18/77
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2137 (B,H)
41 FR 47774 - 10/29/76
Mod. #1 - 42 FR 8935 - 2/11/77
Mod. #2 - 42 FR 10213 - 2/16/77
Mod. #3 - 42 FR 11186 - 2/25/77
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(D) - See Alcona County
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2138 (B,H)
41 FR 48989 - 11/5/76
Mod. #1 - 42 FR 8935 - 2/11/77
Mod. #2 - 42 FR 11187 - 2/25/77
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #MI76-2107 (R)
41 FR 35381 - 8/20/76
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKERSON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
(B,H) - See Alger County
EATON COUNTY
Decision #MI77-2035 (R)
42 FR 12614 - 3/4/77
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI77-2019 (R)
42 FR 10238 - 2/18/77
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide
IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(B,H) - See Bay County
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County

MICHIGAN (Cont'd.

ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2171 (B,H)
41 FR 56590 - 12/28/76
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(D) - See Alcona County
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(D) - See Alcona County
(B,H) - See Grant Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI76-2139 (B,H,R)
41 FR 51313 - 11/19/76
Mod. #1 - 41 FR 54107 - 12/10/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 1680 - 1/7/77
Mod. #4 - 42 FR 4066 - 1/21/77
Mod. #5 - 42 FR 11187 - 2/25/77
Mod. #6 - 42 FR 12568 - 3/4/77
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #MI77-2036 (R)
42 FR 12615 - 3/4/77
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2058 (H,Hw)
41 FR 20131 - 5/14/76
Mod. #1 - 41 FR 43561 - 10/1/76
Mod. #2 - 42 FR 1682 - 1/7/77
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
Mod. #4 - 41 FR 52178 - 11/26/76
Mod. #5 - 42 FR 11187 - 2/25/77
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #MN77-2031 (H,Hw)
42 FR 12616 - 3/4/77
BELTRAMI COUNTY
Decision #MN77-2034 (H,Hw)
42 FR 12617 - 3/4/77
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #MN77-2032 (H,Hw)
42 FR 12616 - 3/4/77
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
Mod. #1 - 41 FR 52179 - 11/26/76
Mod. #2 - 42 FR 11188 - 2/25/77
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(B,R) - See Saint Louis County
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #MN77-2033 (H,Hw)
42 FR 12617 - 3/4/77
CROW WING COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
Mod. #2 - 41 FR 52179 - 11/26/76
Mod. #3 - 42 FR 11187 - 2/25/77
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2134 (B,R)
41 FR 47780 - 10/29/76
Mod. #1 - 42 FR 8936 - 2/11/77
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
Mod. #3 - 41 FR 52179 - 11/26/76
Mod. #4 - 42 FR 11187 - 2/25/77
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #MS76-1137 (Hw)
41 FR 55271 - 12/17/76
Mod. #1 - 42 FR 3136 - 1/14/77
Decision #MS76-1139(W&S)
41 FR 55259 - 12/17/76
ADAMS COUNTY
Decision #AR-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(D,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
AMITE COUNTY
(D, Hw, W&S) - See Statewide
(F) - See Adams County
ATTALA COUNTY
(D,Hw, W&S) - See Statewide
BENTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
BOLIVAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CALHOUN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CARROLL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CHICKASAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Adams County
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
Decision #MS76-1099 (R)
41 FR 40368 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CLARK COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
Mod. #1 - 41 FR 40371 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.

COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
COVINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
DE SOTO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS76-1142 (B)
41 FR 56593 - 12/28/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FRANKLIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GREENE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GRENADA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1 - 41 FR 16308 - 4/16/76
Mod. #2 - 41 FR 19009 - 5/7/76
Mod. #3 - 41 FR 55267 - 12/17/76
Mod. #4 - 42 FR 3136 - 1/14/77
Mod. #5 - 42 FR 4066 - 1/21/77
(D) - See Statewide
(F) - See Adams County
(R) - See George County
HARRISON COUNTY
(B,H) - See Hancock County
(R) - See George County
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HINDS COUNTY
Decision #MS76-1084 (B)
41 FR 35382 - 8/20/76
Mod. #1 - 41 FR 36368 - 8/27/76
Mod. #2 - 41 FR 37476 - 9/3/76
Mod. #3 - 41 FR 56551 - 12/28/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSISSIPPI (Cont'd.

HOLMES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HUMPHREYS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
ISSAQUENA COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
ITAWAMBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JACKSON COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON DAVIS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JONES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B,R) - See Forrest County
KEMPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAFAYETTE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAMAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAUDERDALE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAWRENCE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEAKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
LEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEFLORE COUNTY
(F) - See Adams County
(D,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd.

LINCOLN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LOWNDES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MADISON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
MARION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MARSHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONROE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONTGOMERY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NESHOBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NEWTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NOXUBEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
OKTIBBEHA COUNTY
(D,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PEARL RIVER COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(F) - See Adams County
(R) - See George County
PERRY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PIKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PONTOTOC COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PRENTISS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
QUITMAN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

RANKIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SCOTT COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SHARKEY COUNTY
(D,Hw,W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
(B) - See Issaquena County
SIMPSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SMITH COUNTY
(D,Hw, W&S) - See Statewide
(R) - See Copiah County
(F) - See Adams County
STONE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See George County
SUNFLOWER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TATE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TIPPAH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TISHOMINGO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TUNICA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
UNION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WALTHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.

WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
Mod. #4 - 41 FR 30502 - 7/23/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
WASHINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
WAYNE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WEBSTER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WILKINSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WINSTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YALOBUSHA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YAZOO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #M077-4051 (H,Hw)
42 FR 12618 - 3/4/77
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide
CASS COUNTY
Decision #M076-4177 (B,H,Hw)
41 FR 50139 - 11/12/76
Decision #M076-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #M076-4108 (B)
41 FR 27624 - 7/2/76
Mod. #1 - 41 FR 34483 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
Mod. #3 - 41 FR 54108 - 12/10/76
Mod. #4 - 41 FR 56551 - 12/28/76
Decision #M076-4107 (R)
41 FR 27621 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
Mod. #3 - 41 FR 54107 - 12/10/76
Mod. #4 - 41 FR 56551 - 12/28/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GREENE COUNTY
(H,Hw) - See Statewide
GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
(B,H,Hw) - See Cass County
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
Decision #M077-4033 (B)
42 FR 10240 - 2/18/77
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide

MC DONALD COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT77-5021 (B)
42 FR 12631 - 3/4/77
Decision #MT76-5099 (H,Hw)
41 FR 47789 - 10/29/76
Mod. #1 - 41 FR 51241 - 11/19/76
Mod. #2 - 42 FR 3136 - 1/14/77
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5100 (R)
41 FR 47790 - 10/29/76
Mod. #1 - 41 FR 51244 - 11/19/76
Mod. #2 - 42 FR 3136 - 1/14/77
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE77-4001 (H,Hw)
42 FR 1685 - 1/7/77
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE77-4040 (B)
42 FR 11223 - 2/25/77
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4184 (Channel Stabilizatio
41 FR 53259 - 12/3/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE77-4021 (H,Hw)
42 FR 8946 - 2/11/77
CEDAR COUNTY
Decision #NE77-4032 (B)
42 FR 10242 - 2/18/77
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE77-4043 (B,R)
42 FR 11224 - 2/25/77
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
(H,Hw) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE77-4017 (B)
42 FR 7060 - 2/4/77
Decision #NE76-4178 (R)
41 FR 45813 - 10/15/76
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range
Decision #NV77-5029 (B,H,Hw)
42 FR 12647 - 3/4/77
CARSON COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5114 (R)(Excluding Nevada Test Site)
41 FR 54133 - 12/10/76
Mod. #1 - 42 FR 989 - 1/4/77
Mod. #2 - 42 FR 3138 - 1/14/77
Mod. #3 - 42 FR 5616 - 1/28/77
Mod. #4 - 42 FR 10214 - 2/18/77
(B,H,Hw) - See Statewide
Decision #NV77-5012 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range)
42 FR 8947 - 2/11/77
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5115 (R)
41 FR 54138 - 12/10/76
Mod. #1 - 42 FR 989 - 1/4/77
Mod. #2 - 42 FR 10214 - 2/18/77
Mod. #3 - 42 FR 11188 - 2/25/77
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH77-2001 (B,H,Hw,R)
42 FR 4087 - 1/21/77
MERRIMACK COUNTY
Decision #NH77-2002 (B,H,Hw, & Marine)
42 FR 4090 - 1/21/77
ROCKINGHAM COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #NH77-2003 (B,H,Hw,R, & Marine)
42 FR 5625 - 1/28/77
STRAFFORD COUNTY
Decision #NH77-2004 (B,H,Hw, & Marine)
42 FR 5629 - 1/28/77
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3240 (B,H,Hw)
41 FR 43598 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 52180 - 11/26/76
Mod. #3 - 41 FR 53233 - 12/3/76
Mod. #4 - 42 FR 4067 - 1/21/77
Mod. #5 - 42 FR 7033 - 2/4/77
Mod. #6 - 42 FR 12569 - 3/4/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BERGEN COUNTY
Decision #NJ76-3252 (R)
41 FR 47827 - 10/29/76
Mod. #1 - 41 FR 52182 - 11/26/76
Mod. #2 - 42 FR 7034 - 2/4/77
Mod. #3 - 42 FR 12570 - 3/4/77
Decision #NJ76-3249 (B,H,Hw)
41 FR 43613 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 52181 - 11/26/76
Mod. #3 - 41 FR 53233 - 12/3/76
Mod. #4 - 42 FR 4067 - 1/21/77
Mod. #5 - 42 FR 7034 - 2/4/77
Mod. #6 - 42 FR 12570 - 3/4/77
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,D,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County

NEW MEXICO

STATEWIDE
Decision #NM76-4181 (Streets, Highways, Utilities and Light Engineering Construction)
41 FR 50160 - 11/12/76
Decision #NM77-4022 (Building, including residential in McKinley, Santa Fe, San Juan, Bernalillo, Rio Arriba, Taos, Sandoval, & Valencia Cos., but not on the Indian Reservation, and Heavy engineering construction.
42 FR 10243 - 2/18/77
Mod. #1 - 42 FR 12571 - 3/4/77
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM77-4039 (R)
42 FR 10254 - 2/18/77
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw,R) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw,R) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw,R) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw,R) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY76-3277 (B,H,Hw)
41 FR 51342 - 11/19/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3256 (B,H,Hw)
41 FR 44645 - 10/8/76
Mod. #1 - 41 FR 50120 - 11/12/76
Decision #NY77-3022 (R)
42 FR 7063 - 2/4/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BROOME COUNTY
Decision #NY76-3240 (B,H,Hw)
41 FR 35439 - 8/20/76
Mod. #1 - 41 FR 44600 - 10/8/76
Mod. #2 - 41 FR 50120 - 11/12/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3259 (B,H,Hw)
41 FR 47840 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3263 (B,H,Hw)
41 FR 47860 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3280 (B,H,Hw)
41 FR 50174 - 11/12/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY77-3015 (B,H,Hw)
42 FR 8973 - 2/11/77
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY77-3009 (B,H,Hw)
42 FR 8956 - 2/11/77
Mod. #1 - 42 FR 11189 - 2/25/77
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3262 (B,H,Hw)
41 FR 47854 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3278 (B,H,Hw)
41 FR 51348 - 11/19/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3261 (B,H,Hw)
41 FR 47850 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY77-3010 (B,H,Hw)
42 FR 8961 - 2/11/77
ONONDAGA COUNTY
Decision #NY77-3006 (B,H,Hw)
42 FR 8951 - 2/11/77
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY77-3014 (B,H,Hw)
42 FR 8966 - 2/11/77
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
(D) - See Bronx County
QUEENS COUNTY
(B,D,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3268 (B,H,Hw)
41 FR 47890 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3267 (B,H,Hw)
41 FR 47884 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3281 (B,H,Hw)
41 FR 50181 - 11/12/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #NC76-1095 (R)
41 FR 37507 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #NC77-1012 (B)
42 FR 12662 - 3/4/77
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #NC76-1109 (R)
41 FR 42128 - 9/24/76
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BERTIE COUNTY
(D,R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #NC77-1013 (R)
42 FR 7065 - 2/4/77
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 34486 - 8/13/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #NC77-1014 (B)
42 FR 7065 - 2/4/77
Decision #NC77-1018 (R)
42 FR 8979 - 2/11/77
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28469 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1094 (R)
41 FR 37506 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
Decision #NC76-1085 (R)
41 FR 35317 - 8/20/76
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #NC77-1017 (R)
42 FR 8979 - 2/11/77
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
Decision #NC76-1121 (B)
41 FR 46805 - 10/22/76
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water, H,Hw) -See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
ONSLOW COUNTY
(D) - See Beaufort County
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Durham County
PAMILCO COUNTY
(B,R) - See Carteret County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESTON COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1087 (B)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(R) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND77-5020 (B)
42 FR 10255 - 2/18/77
Mod. #1 - 42 FR 12573 - 3/4/77
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd.)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(B) - See Burleigh County
(Hw) - See Statewide
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(B) - See Burleigh County
(Hw) - See Statewide
WARD COUNTY
(B) - See Burleigh County
(Hw) - See Statewide
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
Mod. #1 - 41 FR 32101 - 7/30/76
Mod. #2 - 41 FR 34486 - 8/13/76
Mod. #3 - 41 FR 37477 - 9/3/76
Mod. #4 - 41 FR 52183 - 11/26/76
Mod. #5 - 41 FR 56553 - 12/28/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO

ASHTABULA COUNTY
Decision #OH76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Mod. #1 - 41 FR 47716 - 10/29/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH77-2005 (B)
42 FR 4093 - 1/21/77
Mod. #1 - 42 FR 10216 - 2/18/77
Mod. #2 - 42 FR 12572 - 3/4/77
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #OH76-2069 (B,R)
41 FR 23909 - 6/11/76
Mod. #1 - 41 FR 51250 - 11/19/76
(D) - See Ashtabula County
(H,Hw) - See Statewide

OHIO (Cont'd)

DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #OH76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(B) - See Clark County
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(B) - See Clarke County
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #OH76-2110 (B)
41 FR 40402 - 9/17/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide
HANCOCK COUNTY
Decision #OH76-2076 (B)
41 FR 24851 - 6/18/76
Mod. #1 - 41 FR 37477 - 9/3/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd)

HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(B) - See Clark County
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
(B)- See Clark County
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #OH76-2073 (B)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH76-2117 (B)
41 FR 43631 - 10/1/76
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #OH76-2085 (B,R)
41 FR 30557 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
(B) - See Clark County
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
(B) - See Clark County
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #OH76-2089 (B,R)
41 FR 30561 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #OH76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #OH76-2090 (B,R)
41 FR 32171 - 7/30/76
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #OH76-2091 (B,R)
41 FR 32173 - 7/30/76
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #OH76-2092 (B,R)
41 FR 34528 - 8/13/76
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH76-2054 (B)
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.

WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK77-4036 (R)
42 FR 10261 - 2/18/77
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
Decision #OK776-4002 (B)
42 FR 3155 - 1/14/77
Mod. #1 - 42 FR 8936 - 2/11/77
Mod. #2 - 42 FR 11189 - 2/25/77
Decision #OK77-4038 (R)
42 FR 10262 - 2/18/77
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Mod. #2 - 42 FR 12573 - 3/4/77

Decision #OK77-4056 (B)
42 FR 12663 - 3/4/77

COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4160 (B)
41 FR 43629 - 10/1/76
Mod. #1 - 42 FR 4069 - 1/21/77
Mod. #2 - 42 FR 11189 - 2/25/77
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4137 (B)
41 FR 32180 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 51251 - 11/19/76
Mod. #3 - 42 FR 3138 - 1/14/77
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4139 (B,H,Hw)
41 FR 32184 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 51251 - 11/19/76
Mod. #3 - 42 FR 3139 - 1/14/77
Mod. #4 - 42 FR 12573 - 3/4/77
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
WKLAHOMA COUNTY
9U,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK77-4035 (B)
42 FR 10261 - 2/18/77
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHAMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK77-4037 (B)
42 FR 10262 - 2/18/77

WAGONER COUNTY
Decision #OK76-4189 (B)
41 FR 52278 - 11/26/76
Mod. #1 - 42 FR 3140 - 1/14/77
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR77-5007 (B,H,Hw,D)
42 FR 8980 - 2/11/77
Mod. #1 - 42 FR 12573 - 3/4/77
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Mod. #1 - 41 FR 45797 - 10/15/76
Mod. #2 - 41 FR 47717 - 10/29/76
Mod. #3 - 42 FR 5616 - 1/28/77
Mod. #4 - 42 FR 10216 - 2/18/77
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44604 - 10/8/76
Mod. #5 - 42 FR 8937 - 2/11/77
ALLEGHENY COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
Decision #PA75-3070 (R)
40 FR 30433 - 8/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
Mod. #4 - 42 FR 8937 - 2/11/77
ARMSTRONG COUNTY
(H,Hw) - See Butler County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Mod. #1 - 41 FR 42052 - 9/24/76
Mod. #2 - 41 FR 52185 - 11/26/76
Mod. #3 - 42 FR 8937 - 2/11/77
Mod. #4 - 42 FR 12574 - 3/4/77
BEAVER COUNTY
(H,Hw) - See Armstrong County
(B) - See Butler County
BEDFORD COUNTY
Decision #PA76-3250 (B)
41 FR 42131 - 9/24/76
Mod. #1 - 41 FR 52186 - 11/26/76
Mod. #2 - 42 FR 8938 - 2/11/77
Mod. #3 - 42 FR 12574 - 3/4/77
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA77-3029 (B)
42 FR 10263 - 2/18/77
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
Mod. #1 - 42 FR 12574 - 3/4/77
(Hw) - See Butler County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
Mod. #1 - 41 FR 43567 - 10/1/76
Mod. #2 - 41 FR 44604 - 10/8/76
Mod. #3 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA77-3016 (B,R)
42 FR 5632 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 45797 - 6/25/76
Mod. #2 - 41 FR 45797 - 10/15/76
Mod. #3 - 41 FR 53235 - 12/3/76
BUTLER COUNTY
(B) - See Armstrong County
Decision #PA77-3023 (H,Hw)
42 FR 5640 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Butler County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CLEARFIELD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Butler County
COLUMBIA COUNTY
Decision #PA76-3210 (B)
41 FR 30486 - 7/23/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 42 FR 10218 - 2/18/77
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CUMBERLAND COUNTY
Decision #PA77-3030 (B)
42 FR 10266 - 2/18/77
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3251 (B)
41 FR 42143 - 9/24/76
Mod. #1 - 41 FR 44606 - 10/8/76
Mod. #2 - 41 FR 52186 - 11/26/76
Mod. #3 - 42 FR 8939 - 2/11/77
Mod. #4 - 42 FR 12574 - 3/4/77
(H,Hw) - See Butler County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 7/9/76
Mod. #1 - 41 FR 26428 - 6/25/76
Mod. #2 - 41 FR 44602 - 10/8/76
Mod. #3 - 42 FR 10217 - 2/18/77
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
FRANKLIN COUNTY
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FULTON COUNTY
(H,Hw) - See Butler County
GREENE COUNTY
Decision #PA76-3211 (B)
41 FR 32091 - 7/30/76
Mod. #1 - 41 FR 42054 - 9/24/76
Mod. #2 - 41 FR 52185 - 11/26/76
Mod. #3 - 42 FR 8938 - 2/11/77
Mod. #4 - 42 FR 12574 - 3/4/77
(H,Hw) - See Butler County
HUNTINGDON COUNTY
(H,Hw) - See Butler County
INDIANA COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
JEFFERSON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 -41 FR 47717 - 10/29/76
Mod. #4 - 41 FR 54110 - 12/10/76
Mod. #5 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA77-3026 (B)
42 FR 7066 - 2/4/77
Mod. #1 - 42 FR 10218 - 2/18/77
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3246 (B)
41 FR 40506 - 9/17/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 41 FR 52186 - 11/26/76
Mod. #3 - 42 FR 8938 - 2/11/77
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
Mod. #1 - 41 FR 28464 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 42051 - 9/24/76
Mod. #4 - 41 FR 44602 - 10/8/76
Mod. #5 - 41 FR 53235 - 12/3/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
Mod. #4 - 41 FR 52185 - 11/26/76
Mod. #5 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3271 (B)
41 FR 48993 - 11/5/76
Mod. #1 - 41 FR 54110 - 12/10/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3185 (B)
41 FR 24864 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44603 - 10/8/76
Mod. #5 - 41 FR 53235 - 12/3/76

(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Butler County
MERCER COUNTY
(B) - See Lawrence County
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Butler County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
(H,Hw) - See Adams County
Decision #PA77-3033 (B)
42 FR 10268 - 2/18/77
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
Mod. #4 - 41 FR 53235 - 12/3/76
Mod. #5 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SCHYUKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 38709 - 9/10/76
Mod. #4 - 41 FR 45798 - 10/15/76
Mod. #5 - 41 FR 47717 - 10/29/76
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3205 (B)
41 FR 24872 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32106 - 7/30/76
Mod. #3 - 41 FR 44604 - 10/8/65
Mod. #4 - 42 FR 10217 - 2/18/77
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
UNION COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
WASHINGTON COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Mod. #2 - 42 FR 4069 - 1/21/77
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Mod. #2 - 42 FR 4069 - 1/21/77
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75
Mod. #1 - 42 FR 4069 - 1/21/77

RHODE ISLAND

STATEWIDE
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BRISTOL COUNTY
Decision #RI76-2150 (B,H,Hw,R, & Marine)
41 FR 48996 - 11/5/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2151 (B,H,Hw,R, & Marine)
41 FR 50186 - 11/12/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2152 (B,H,Hw,R, & Marine)
41 FR 51362 - 11/19/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC76-1115 (R)
41 FR 44657 - 10/8/76
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC76-1100 (R)
41 FR 38739 - 9/10/76
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY
Decision #SC77-1019 (B)
42 FR 8990 - 2/11/77
Mod. #1 - 42 FR 12574 - 3/4/77
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1088 (R)
41 FR 36399 - 8/27/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC77-1008 (B)
42 FR 4101 - 1/21/77
Decision #SC76-1126 (R)
41 FR 47907 - 10/29/76
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (H,Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEWEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD77-5028 (B)
42 FR 12666 - 3/4/77
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD77-5027 (B)
42 FR 12665 - 3/4/77
(H,Hw) - See Statewide
Decision #SD77-5019 (R)
42 FR 8990 - 2/11/77
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #TN77-1001 (Hw)
42 FR 1686 - 1/7/77
ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(Hw) - See Statewide
BEDFORD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BENTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CANNON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARROLL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
40 FR 44476- 9/26/75
(F) - See Anderson County
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F) - See Anderson County
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COCKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CROCKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F) - See Anderson County
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN76-1140 (R)
42 FR 56593 - 12/28/76
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
(F) - See Anderson County
(Hw) - See Statewide
FAYETTE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
FENTRESS COUNTY
(F)- See Anderson County
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GIBSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GREENE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1130 (B,H)
41 FR 51366 - 11/19/76
Mod. #1 - 42 FR 8939 - 2/11/77
(F) - See Anderson County
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDEMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAYWOOD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
KNOX COUNTY
Decision #TN76-1081 (B)
41 FR 33178 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 47718 - 10/29/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F) -See Anderson County
(Hw) - See Statewide
LAKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
LAUDERDALE COUNTY
(D,R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MACON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(F) - See Anderson County
(Hw) - See Statewide
MARION COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONROE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MOORE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MORGAN COUNTY
(F) -See Anderson County
(Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PERRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
POLK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Anderson County
(Hw) - See Statewide
RHEA COUNTY
(Hw) - See Statewide
(F) - See Anderson County
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F) - See Anderson County
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd.)

RUTHERFORD COUNTY
Decision #TN77-1022 (B)
42 FR 12667 - 3/4/77
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1131 (B,H,W&S, & Utility)
41 FR 55285 - 12/17/76
Mod. #1 - 42 FR 8939 - 2/11/77
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Anderson County
(Hw) - See Statewide
STEWART COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd.

UNICOI COUNTY
(F) - See Anderson County
(Hw) - See Statewide
UNION COUNTY
(F) - See Anderson County
(Hw) - See Statewide
VAN BUREN COUNTY
(Hw) - See Statewide
(F) - See Anderson County
WARREN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F) - See Anderson County
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WEAKLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX77-4008 (H(Excluding tunnels and dams,) Hw
Incidental shore work, and paving and utilities incidental to general building construction)
42 FR 5644 - 1/28/77
ANDERSON COUNTY
Decision #TX77-4009 (R)
42 FR 5652 - 1/28/77
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX77-4044 (B)
42 FR 11226 - 2/25/77
Decision #TX77-4045 (R)
42 FR 11229 - 2/25/77
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #TX77-4026 (R)
42 FR 10270 - 2/18/77
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4193 (B)
41 FR 56594 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 12575 - 3/4/77
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
Mod. #1 - 42 FR 11190 - 2/25/77
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX77-4053 (B)
42 FR 12668 - 3/4/77
BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
Decision #TX76-4140 (B)
41 FR 33184 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 45798 - 10/15/76
Mod. #3 - 41 FR 50125 - 11/12/76
Mod. #4 - 42 FR 5617 - 1/28/77
Mod. #5 - 42 FR 7036 - 2/4/77
(H,Hw) - See Statewide

TEXAS (Cont'd)

BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX77-4011 (R)
42 FR 5656 - 1/28/77
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4169 (B)
41 FR 44662 - 10/8/76
Mod. #1 - 41 FR 51252 - 11/19/76
Mod. #2 - 41 FR 54111 - 12/10/76
Mod. #3 - 41 FR 55269 - 12/17/76
Mod. #4 - 41 FR 56555 - 12/28/76
Mod. #5 - 42 FR 4071 - 1/21/77
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #TX77-4027 (R)
42 FR 10270 - 2/18/77
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX77-4054 (B)
42 FR 12671 - 3/4/77
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #TX76-4126 (B)
41 FR 30565 - 7/23/76
Mod. #1 - 41 FR 42050 - 9/24/76
Mod. #2 - 41 FR 46819 - 10/22/76
Mod. #3 - 41 FR 56554 - 12/28/76

TEXAS (Cont'd)

CAMERON COUNTY (Cont'd.)
Decision #TX76-4162 (R)
41 FR 44669 - 10/8/76
Mod. #1 - 41 FR 46820 - 10/22/76
(H,Hw) - See Statewide
CAMP COUNTY
Decision #TX77-4012 (R)
42 FR 5658 - 1/28/77
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #TX77-4028 (R)
42 FR 10271 - 2/18/77
Decision #TX76-4183 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 50191 - 11/12/76
Mod. #1 - 41 FR 54112 - 12/10/76
Mod. #2 - 41 FR 56555 - 12/28/76
Mod. #3 - 42 FR 4071 - 1/21/77
Mod. #4 - 42 FR 10219 - 2/18/77
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/16/76
Mod. #2 - 41 FR 42058 - 9/24/76
Mod. #3 - 41 FR 56554 - 12/28/76
Mod. #4 - 42 FR 4070 - 1/21/77
Mod. #5 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4194 (B)
41 FR 56596 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77

TEXAS (Cont'd.)

EL PASO COUNTY (Cont'd.)
Mod. #2 - 42 FR 11190 - 2/25/77
Mod. #3 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4195 (B)
41 FR 56598 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 8940 - 2/11/77
Mod. #3 - 42 FR 10219 - 2/18/77
Mod. #4 - 42 FR 11190 - 2/25/77
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide

TEXAS (Cont'd.)

GREGG COUNTY
Decision #TX77-4055 (B)
42 FR 12673 - 3/4/77
Decision #TX77-4013 (R)
42 FR 5660 - 1/28/77
(H,Hw) - See Statewide
GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4196 (B)
41 FR 56601 - 12/28/76
Mod. #1 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
(R) - See Gregg County
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOOD COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
HOPKINS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX77-4014 (B,R)
42 FR 5662 - 1/28/77
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4192 (B,R)
41 FR 55289 - 12/17/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 12575 - 3/4/77
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Bosque County
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4197 (B)
41 FR 56602 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 8940 - 2/11/77
Mod. #3 - 42 FR 12575 - 3/4/77
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(B) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX77-4015 (R)
42 FR 5664 - 1/28/77
Decision #TX77-4057 (B)
42 FR 12673 - 3/4/77
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #TX77-4029 (R)
42 FR 10271 - 2/18/77
TAYLOR COUNTY
Decision #TX76-4171 (B)
41 FR 44664 - 10/8/76
Mod. #1 - 41 FR 56555 - 12/20/76
Mod. #2 - 42 FR 4071 - 1/21/77
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 30503 - 7/23/76
Mod. #3 - 41 FR 42058 - 9/24/76
Mod. #4 - 42 FR 4070 - 1/21/77
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX77-4006 (B)
42 FR 4105 - 1/21/77
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide

TEXAS (Cont'd.)

VICTORIA COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX77-4016 (R)
42 FR 5666 - 1/28/77
Decision #TX77-4007 (B)
42 FR 4107 - 1/21/77
Mod. #1 - 42 FR 11190 - 2/25/77
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT77-5006 (B,H,Hw)
42 FR 5668 - 1/28/77
Mod. #1 - 42 FR 10220 - 2/18/77
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2170 (Hw)
41 FR 54146 - 12/10/76
Mod. #1 - 42 FR 3140 - 1/14/77
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Mod. #4 - 41 FR 50122 - 11/12/76
Mod. #5 - 42 FR 4073 - 1/21/77
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
ALBEMARLE COUNTY
Decision #VA76-3244 (Hw)
41 FR 38784 - 9/10/76
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
ALEXANDRIA CITY
Decision #MD76-3285 (B)
41 FR 51308 - 11/19/76
Mod. #1 - 41 FR 55269 - 12/17/76
Mod. #2 - 42 FR 5617 - 1/28/77
Mod. #3 - 42 FR 10222 - 2/18/77
ALLEGHANY COUNTY
Decision #VA76-3245 (Hw)
41 FR 38748 - 9/10/76
Mod. #1 - 41 FR 40374 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany Coupty
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 41 FR 50122 - 11/12/76

VIRGINIA (Cont'd.)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
Mod. #2 - 41 FR 50123 - 11/12/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(B,Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA76-3214 (B)
41 FR 32189 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50122 - 11/12/76
Mod. #4 - 42 FR 7038 - 2/4/77
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #VA76-3254 (R)
41 FR 44680 - 10/8/76
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA76-3213 (B)
41 FR 32187 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50123 - 11/12/76
Mod. #4 - 42 FR 7038 - 2/4/77
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - (See Albermarle County
LOUISA COUNTY
(Hw) - See AlbermarleeCounty
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(B) - See Campbell County
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Albermarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - Sae Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albermarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG COUNTY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Inherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Iccomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Anherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY (Radford Army Ammunition Plant)
Decision #VA76-3220 (B)
41 FR 33186 - 8/6/76
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd)

SOUTH BOSTON CITY
(Hw) - See Anherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA76-3215 (B,H,W&S)
41 FR 32191 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50124 - 11/12/76
Mod. #4 - 42 FR 7039 - 2/4/77
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA77-5003 (B,H,Hw,D)
42 FR 8991 - 2/11/77
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5119 (R)
41 FR 54148 - 12/10/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #WA77-5008 (R)
42 FR 4109 - 1/21/77
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3284 (B,Hw, W&S)
41 FR 51368 - 11/19/76
Mod. #1 - 41 FR 55270 - 12/17/76
Mod. #2 - 42 FR 5617 - 1/28/77
Mod. #3 - 42 FR 10222 - 2/18/77
Mod. #4 - 42 FR 12567 - 3/4/77
Decision #GA77-5005 (D)
42 FR 1015 - 1/4/77
Mod. #1 - 42 FR 3140 - 1/14/77
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV77-3024 (H,Hw)
42 FR 10272 - 2/18/77
BARBOUR COUNTY
Decision #WV77-3027 (B)
42 FR 10281 - 2/18/77
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See BarbourrCounty
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TYLER COUNTY
(D) - See Cabell County
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI76-2119 (Hw)
41 FR 44681 - 10/8/76
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
Mod. #1 - 41 FR 52188 - 11/26/76
Mod. #2 - 41 FR 53237 - 12/3/76
Mod. #3 - 42 FR 7039 - 2/4/77
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #WI76-2157 (B,R)
41 FR 55292 - 12/17/76
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #WI76-2160 (B)
41 FR 55297 - 12/17/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #WI76-2161 (B,R)
41 FR 55299 - 12/17/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Con't.d)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,D,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #WI76-2162 (B,R)
41 FR 54150 - 12/10/76
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
Decision #WI76-2165 (B)
41 FR 53261 - 12/3/76
KENOSHA COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
Decision #WI76-2167 (B,R)
41 FR 55301 - 12/17/76
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #WI76-2155 (B,R)
41 FR 52280 - 11/26/76
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #WI76-2168 (B)
41 FR 55303 - 12/17/76
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2116 (B,R)
41 FR 42155 - 9/24/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Claire County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #WI76-2168 (B)
41 FR 55303 - 12/17/76
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI76-2169 (B,R)
41 FR 56620 - 12/28/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #WI76-2163 (B)
41 FR 54152 - 12/10/76
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
Decision #WI76-2164 (B)
41 FR 54154 - 12/10/76
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 14307 - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5070 (B,H)
41 FR 33187 - 8/6/76
Mod. #1 - 41 FR 53238 - 12/3/76
Mod. #2 - 42 FR 10222 - 2/18/77
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide

WYOMING (Cont'd.)

TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

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